

Agenda

Planning and Regulatory Committee

Tuesday, 20 September 2016, 10.00 am
County Hall, Worcester

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection in the Member Support Unit 3 days before the Committee and in the meeting room from 9.30am on the day of the meeting

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display

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ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਸ਼ਹੂਰ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੋ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

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DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
 - You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Planning and Regulatory Committee
Tuesday, 20 September 2016, 10.00 am, County Hall, Worcester

Councillors: Mr R C Adams (Chairman), Ms P Agar, Mr A T Amos, Mrs S Askin, Mr P J Bridle, Mr S J M Clee, Mr P Denham (Vice Chairman), Mrs A T Hingley, Mr I Hopwood, Mr A P Miller, Mr D W Prodger MBE, Mr R J Sutton and Vacancy

Agenda

Item No	Subject	Page No
1	Named Substitutes	
2	Apologies/Declarations of Interest	
3	Public Participation The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application.	
4	Confirmation of Minutes To confirm the Minutes of the meeting held on 12 July 2016. (previously circulated – pink pages)	
5	Proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012 for "Development of an Anaerobic Digestion Plant, Beef (Cattle) Unit and Ancillary Infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire" to vary condition 2 so as to construct two new Anaerobic Digestion Tanks	1 - 26
6	Proposed extension of a yard associated with an existing waste transfer station at Grove House Yard, Tewkesbury Road, Upton-Upon-Severn, Worcestershire	27 - 54
7	Proposed new two-form entry first school with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire	55 - 92

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All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 9 September 2016

Item No	Subject	Page No
8	Proposed new single storey 1 form entry primary school accommodating reception to year 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire	93 - 124
9	Proposed formation of an earth bund containing about 150,000 Tonnes of soils on land to the south of B4636 and east of M5 Motorway, Spetchley, Worcestershire	125 - 160

**PLANNING AND REGULATORY COMMITTEE
20 SEPTEMBER 2016****PROPOSED MINOR MATERIAL AMENDMENT TO
PLANNING PERMISSION 12/000008/CM, DATED 13 JULY
2012 FOR "DEVELOPMENT OF AN ANAEROBIC
DIGESTION PLANT, BEEF (CATTLE) UNIT AND
ANCILLARY INFRASTRUCTURE AT ROTHERDALE FARM,
LONG LANE, THROCKMORTON, WORCESTERSHIRE" TO
VARY CONDITION 2 SO AS TO CONSTRUCT TWO NEW
ANAEROBIC DIGESTION TANKS**

Applicant

Vale Green Energy

Local Member(s)

Mrs E B Tucker

Purpose of Report

1. To consider a County Matter planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) for a proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, to vary Condition 2 so as to construct two new Anaerobic Digestion (AD) Tanks at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire.

Background

2. Evesham Vale Growers is a local horticultural company growing produce for onward sale to supermarkets. The company currently farms approximately 880 hectares of land in Worcestershire which is made up of 9 farms. It employs about 600 people (at its busiest periods) and is one of the largest employers in the area. The applicant for this planning application, Vale Green Energy, is the energy arm of Evesham Vale Growers. The company was established in 2011 to develop and deliver energy projects which support the operations of the wider horticultural business.

3. Planning permission was granted by Members of the Planning and Regulatory Committee at their meeting on the 10 July 2012 for the development of an AD plant, beef (cattle) unit and ancillary infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire (Ref: 12/000008/CM, Minute 782 refers).

4. On 1 October 2013 the County Planning Authority granted planning permission for the development of a new storage building for the storage of bailed straw, for the

cattle unit associated with the permitted AD Plant (planning permission reference number 13/000038/CM). In August 2013 the County Planning Authority approved a non-material amendment to that scheme to allow the movement of the storage shed 5 metres to the south and a reduction of the eaves height of the storage shed by about 1.15 metres (planning permission 13/000038/NMA).

5. In September 2013, a non-material amendment to planning permission 12/000008/CM was approved by the County Planning Authority to increase the eave height of the cattle unit from about 6.43 metres to about 7.43 metres, with the height of the ridge (overall height of the building) remaining at the approved height of about 9.41 metres (permission reference 13/000039/NMA).

6. In September 2015, a further non-material amendment to planning permission 12/000008/CM was approved by the County Planning Authority (Ref: 12/000008/NMA) to revise the permitted layout of the AD Plant required to address efficiency improvements in the technology and subsequent design changes that were made during the construction of the facility.

7. The applicant states that AD is a relatively new technology and as such its development and design constantly evolves. In order to improve the efficiency of the plant, Vale Green Energy is now seeking additional amendments to the original planning permission.

The Proposal

8. The applicant is seeking permission for a proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, to vary Condition 2 so as to construct two new AD Tanks at Rotherdale Farm.

9. Anaerobic Digestion is a process whereby feedstocks (in this case energy crops) are fed into a warmed vessel within which bacteria break down the feedstock material and produce biogas. This biogas is then extracted and passed through an upgrading plant where any contaminants are removed leaving the two main components of Bio-methane and Carbon Dioxide.

10. The Carbon Dioxide can be compressed for use in the food industry as long as the gas is of the correct grade and has not been derived from waste. At Rotherdale the Carbon Dioxide is compressed and sold into the food industry as it passes food grade quality.

11. The Bio-methane is injected into the National Gas Grid. Its quality is dependent on getting the feedstock quality and process quality correct. A by-product of the digestion process is Digestate which is recycled and used as an organic fertiliser. This reduces the reliance on oil based fertilisers and is also used as a soil conditioner.

12. The proposed AD tanks would measure approximately 22.7 metres in diameter with an overall height of about 10 metres (9 metres above ground level and 1 metre below ground level). The above ground dimensions would match the existing AD tanks (the existing tanks are sunk about 2 metres below ground level). The proposed AD tanks would be located immediately to the north of the existing tanks.

The colour of the proposed AD tanks would be goosewing grey and green to match the existing tanks.

13. This planning application seeks to vary Condition 2 of planning permission 12/000008/CM (as amended by 13/000039/NMA and 12/000008/NMA) which states:-

14. *“The development hereby permitted shall be carried out in accordance with the following approved drawings numbered:-*

- JER5274-001 Revision A;
- JER5274-003 Rev. A;
- SPH/1001/011/Z Revision A;
- JER5274-006 Rev.-;
- SPH/1001/010/Z Revision A;
- 610-032 Revisions B;
- JSL2143 003-02, Rev C; and
- JPW0147-003.”

This planning application seeks to vary the wording of Condition 2 to read as follows:-

15. *“The development hereby permitted shall be carried out in accordance with the following approved drawings numbered:-*

- JER5274-001 Revision A;
- JER5274-003 Rev. A;
- **SPH/1001/011/Z;**
- JER5274-006 Rev.-;
- **SPH/1001/010/Z;**
- 610-032 Revisions B;
- **JSL2143 0003-02 D; and**
- JPW0147-003.”

16. The emboldened and underlined text above highlights those drawings which would be amended should this application be approved.

17. The AD facility at Rotherdale Farm produces both electricity and biomethane for injection into the national grid. The applicant states that the reason for seeking to construct a further two AD tanks at the site is to allow for greater retention time of the feedstocks resulting in improvements to both the volume and quality of the gas produced and, thereby, improving the contribution to the national grid.

18. The biogas produced by the existing AD plant at Rotherdale Farm currently consists of approximately 50% methane and 48% carbon dioxide with the target being 55% plus and 43% respectively. The applicant, therefore, wishes to make improvements to the process to enable this target mix to be achieved. The optimum time for digestion of the feedstock in digesters is between 60 to 100 days. The Rotherdale Farm facility currently digests for only 40 to 50 days and as a result the feedstocks are not going through the full digestion process meaning that energy is being left in the digestate by-product and the target gas mix is not being achieved. The construction of the proposed two new digesters would enable the digestate to

be held within the vessels for longer, enabling full digestion and hence optimum gas production and quality without impacting on existing feedstock throughputs.

19. This application does not seek to increase the throughput or any other elements of the AD plant or associated infrastructure. The proposal, therefore, does not result in any additional vehicle movements to the site.

The Site

20. The application site measures about 8 hectares in area and encompasses part of Rotherdale Farm, which is located on the north side of Long Lane approximately 1.5 kilometres west of Throckmorton village and approximately 6.5 kilometres north of Pershore within Bishampton and Throckmorton Parish. The former Throckmorton Airfield is located south-east of Rotherdale Farm on the southern side of Long Lane. Hill and Moor Landfill site lies to the south of the former Throckmorton Airfield. The area is predominantly rural with the surrounding land used for agriculture both arable and pasture. A solar farm is located on land immediately north of the application site. The site is surrounded by hedgerows and the Rotherdale Farm buildings are located immediately to the north-west of the application site and proposed AD tanks.

21. Existing buildings at Rotherdale Farm include barns, a grain store building, grain silos, a storage building for agricultural machinery and bailed straw (Ref: 13/000038/CM), storage clamps and an AD Plant and associated infrastructure (Ref: 12/000008/CM). A reservoir, approved by Wychavon District Council is located to the immediately north of the site (District Ref: AB/11/01829/AB). The site is accessed from Long Lane which links to Throckmorton and the A44 further to the south.

22. The Tributary of Piddle Brook Local Wildlife Site (LWS) is located approximately 40 metres north of the site. The site is located approximately 2 kilometres from Naunton Court Meadows Site of Special Scientific Interest (SSSI) and Yellow House Meadow SSSI. Footpath TH-502 is located approximately 60 metres east of the site.

23. Tilesford Farmhouse a Grade II Listed Building is located about 245 metres west of the application site (red line boundary) and approximately 525 metres south-west of the proposed AD tanks.

24. The nearest residential property is Rotherdale Farm House located approximately 200 metres north-west of the proposal. Further residential properties of Tilesford Cottages are located approximately 450 metres south of the proposed AD tanks on the north side of Long Lane. Tilesford Farm House, Saddleback Barn and Old Spot Barn are located about 525 metres south-west of the proposed development.

Summary of Issues

25. The main issues in the determination of this application are:

- Landscape Character and Appearance

- Residential Amenity (Noise and Air Quality Impacts)
- Traffic and Highways Safety.

Planning Policy

26. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

27. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:-

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

28. The Government believes that sustainable development can play three critical roles in England:-

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

29. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

National Planning Policy for Waste

30. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable

Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

31. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

32. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

33. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan

34. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016. The SWDP policies that are of relevance to the proposal are set out below:-

Policy SWDP 1 Overarching Sustainable Development Principles
Policy SWDP 2 Development Strategy and Settlement Hierarchy
Policy SWDP 4 Moving Around South Worcestershire
Policy SWDP 6 Historic Environment
Policy SWDP 12 Rural Employment
Policy SWDP 21 Design
Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 24 Management of the Historic Environment
Policy SWDP 25 Landscape Character
Policy SWDP 27 Renewable and Low Carbon Energy
Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 30 Water Resources, Efficiency and Treatment
Policy SWDP 31 Pollution and Land Instability

Waste Management Plan for England (2013)

35. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

36. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

37. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

38. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

39. It states that the Government supports AD because of its value in dealing with organic waste and avoiding, by more efficient capture and treatment, the greenhouse gas emissions associated with its disposal to landfill. AD also recovers energy and produces valuable bio-fertilisers. The Government is committed to increasing the energy from waste produced through AD.

The Government Review of Waste Policy England 2011

40. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Consultations

41. **Wychavon District Council** has no objections, subject to the relevant conditions imposed on the extant planning permission being imposed on any new consent; imposition of appropriate conditions to protect the amenities of local residents; and consideration given to potential impacts upon surface water drainage. They consider that the proposal would not have a significant landscape or visual impact over and above what is already approved and constructed.

42. **Bishampton and Throckmorton Parish Council** objects to the proposal and raise concerns regarding the management of the existing AD plant site, stating the following:-

Consultation

43. Express disappointment at the comments made within the application which states that "a public consultation has been undertaken" and the "councillors' fears over traffic have been allayed".

44. The Parish Council state that their members were invited to attend a tour of the AD site and that several members of the Parish Council did attend. However, members were guests at a tour of the facility and it is unfair to describe it as consultation.

Traffic

45. There are a number of large tractors and trailers passing through Throckmorton carrying green matter, often at speeds. It is understood that the digesters are now being supplied purely with green material grown across the local area. Therefore, this has now resulted in an increase in vehicle movements, as the proposal is no longer processing waste from the adjacent chicken farm. Furthermore, as the harvesting of maize for the AD plant occurs later in the year, the Parish Council are concerned about the amount of mud that would be transferred to the road in the villages of Bishampton and Throckmorton and Tilesford making driving conditions dangerous. They ask that the County Highway Authority examine the routes that these vehicles travel to the AD plant, their tonnage and frequency.

Noise

46. Raise concerns regarding the constant and repetitive noises arising from the existing AD facility, which is particularly noticeable at night. The sounds are thought to be machinery moving or aerating fuel for the AD plant. The Parish Council hope that alterations to the structures of the buildings could reduce the noise levels significantly.

Light

47. Lights situated in the outside of the buildings are switched on throughout the night, and in the original application it was stated that these lights would be turned off after the last delivery, which is not occurring.

Landscaping

48. The landscaping at the site has not been undertaken as described in the original planning application and whilst it is understood that there have been difficulties with planting trees on the bund, no major planting or landscaping appears to have taken place.

49. Following a response from the applicant to their above comments, the Parish Council reiterated their objection to this application, despite the applicant's intentions relating to the matters raised. Whilst many positive alterations to the site have been described by the applicant, the matters raised are still of concern to the Parish Council.

50. **Naunton Beauchamp Parish Council (Neighbouring Parish Council)** has made no comments.

51. **Pinvin Parish Council (Neighbouring Parish Council)** has considered the application and wishes to make no comments.

52. **Peopleton Parish Council (Neighbouring Parish Council)** has considered the application and wishes to make no comments.

53. **The Environment Agency** has no objections stating that the additional digestion tanks are proposed to be constructed predominantly above ground, with the base of the tank set around one metre below the existing ground level. In relation to possible sub water table impacts and their current guidance: Groundwater Protection: Principles and Practice (GP3), in particular Policy D3 – 'Sub water table storage' - states that the Environment Agency "will object to storage of hazardous substances below the water table in principal or secondary aquifers". The proposed tanks are unlikely to be sited within groundwater.

54. This site is operated using energy fuel crops. As such it has never held an Environmental Permit and, therefore, has not been regulated by the Environment Agency but Worcestershire Regulatory Services. They recommend consulting Worcestershire Regulatory Services on the proposal. Notwithstanding this, they highlight the fact that operators of AD sites should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to controlled waters. The Environment Agency has powers under the Environmental Permitting Regulations (EPR) 2010 to take action where groundwater pollution occurs, or is likely to occur.

55. It appears that the areas around the storage tanks and digesters may not be fully bunded. The Environment Agency is unsure of the current design, or whether the containment at the site is adequate to prevent loss of polluting material in the event of a catastrophic or slow failure. This is normally achieved through a suitable concrete and/or earth bund structure, to protect controlled waters. The applicant may wish to consider future proofing the scheme, should the waste types change in the future and the site fall under the Environment Agency's regulation, but also to ensure a robust scheme. This may save time and resources retrofitting additional infrastructure and minimise the risk of pollution.

56. **Worcestershire Regulatory Services (Noise)** has no objections to the proposal.

57. **Worcestershire Regulatory Services (Air Quality)** has no objections as the proposal does not seek to increase the throughput or any other elements of the plant, and it is noted that the proposed AD tanks would not have any emissions to air.

58. They also state that the original application was accompanied by an Air Quality Assessment that indicated that all potential air quality contaminants are at least well below 70% of the relevant environmental quality standards (EQS), *“The maximum long-term impacts with the worst-case meteorological conditions across the modelled grid show that the predicted environmental concentrations are well below 70% of the EQS and as such no significant impact is predicted”*. Additionally it was stated *“overall, the effects of the proposed facility are not considered to be significant based on the Environment Agency’s Horizontal Guidance H1 for assessing point source emissions”*.

59. **Public Health England** has no objections stating that proposal does not present any obvious cause for public health concern providing it is well managed and maintained and the relevant environmental legislation and environmental permitting sector guidance notes are complied with as necessary. The applicant should take all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

60. **Lead Local Flood Authority** has no objections.

61. **South Worcestershire Land Drainage Partnership** has made no comments.

62. **The County Archaeologist** has no objections stating that the original planning permission 12/000008/CM imposed a suite of conditions relating to archaeology (Conditions 16, 17 and 18). The required archaeological work was undertaken during October 2012 and a report on the investigation was subsequently produced and approved by the County Planning Authority in consultation with the County Archaeologist in early 2013. On this basis, all archaeological works required in connection with application 12/000008/CM and this application (16/000008/CM) have been completed and no further archaeological work is required.

63. **The County Landscape Officer** has no objections stating that whilst there would be a material impact to the site, overall the impact to landscape would be slight within the context of current mitigation.

64. **Natural England** has no objections to the proposal.

65. **The County Ecologist** has no objections to the proposal.

66. **Worcestershire Wildlife Trust** has no objections and wishes to defer to the County Ecologist for all detailed ecological matters at the site.

67. **The County Highways Officer** has no objections, stating that the proposal would not alter the details already approved on the wider site with the exception of the drawings listed under Condition 2 of the extant permission and that the existing planning conditions and schemes approved would be unaffected. The proposal also does not seek to increase the throughput or any other elements of the plant. The proposal, therefore, does not result in any additional vehicle movements to the site.

68. They note the comments from Bishampton and Throckmorton Parish Council regarding concerns regarding existing levels of traffic movements to the site, but this

concern is linked to the existing planning permission and as stated above this application does not seek to increase any vehicle movements associated with the site.

69. **Hereford and Worcester Fire and Rescue Service** has made no comments.

70. **The Campaign to Protect Rural England (CPRE)** has made no comments.

Other Representations

71. The application has been advertised in the press, on site, and by neighbour notification. To date 2 letters of representation objecting to the proposal have been received. The letters of representation are available in the Members' Support Unit. The main comments are summarised below:

- Raise concern about not being consulted by the applicant about this proposal or invited to the site as part of the presentation to the Parish Council
- Raise concerns regarding the operation of the existing AD plant site in relation to noise, lighting (left on after dark) and visual impact (no planting or landscaping of the bund), which have also been raised with Vale Green Energy
- If the proposal is to facilitate increased gas production, then this would inevitably result in the need for an increased quantity of energy crop, and therefore, an increase in the already unacceptable volume of traffic through Throckmorton village.

The Head of Strategic Infrastructure and Economy's Comments

72. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Landscape Character and Appearance

73. The proposed AD tanks would measure approximately 22.7 metres in diameter with an overall height of about 10 metres (9 metres above ground level and 1 metre below ground level). At 9 metres in height above ground level the two additional AD tanks would be lower than many other structures at the Rotherdale Farm site, such as the farm silos, which measure about 19 metres high; beef unit and grain store, which measure approximately 9.4 metres high; and stack for the AD Plant which measures about 19 metres high. Accordingly, the Head of Strategic Infrastructure and Economy considers that the two new AD tanks would fit into the context of the existing site as the digesters have been designed to match the existing AD tanks in terms of their design, height above ground, and colour. Furthermore, the new digesters would be located immediately to the north of the existing AD tanks and east of the feedstock storage buildings, which would help to partly screen the proposal from public views points and would be seen in the context of the overall AD plant site.

74. The Landscape and Visual impact Assessment undertaken for the original application (Ref: 12/000008/CM) has been reviewed in the light of this proposal. The Assessment concludes that the two additional digestion tanks would not result in any changes in the magnitude of effect or significance of effect to any of the views

experienced by a variety of visual receptors at the 19 viewpoint locations assessed in the original (2012) Assessment. Accordingly, the updated Assessment concludes that the impacts associated with the existing as built plan would remain unchanged by the introduction of the two additional tanks.

75. The County Landscape Officer has been consulted and raised no objections to the proposal. Wychavon District Council also raises no objections to the proposal.

76. Objections have been raised by local residents regarding the lack of landscaping at the site, in particular along the constructed bund to the south of the existing AD tanks. The Head of Strategic Infrastructure and Economy notes that Condition 13 of the extant planning permission required the implementation of the submitted and approved landscaping scheme. The County Planning Monitoring and Enforcement Officer is aware of this matter and continues to regularly visit / monitor the site and liaise with the applicant with a view to resolving this matter in the next planting season (October to April). In response to these comments the applicant confirmed that the hedgerow which forms part of the landscaping scheme has been planted and the remaining planting would take place in the next planting season/autumn 2016. The Head of Strategic Infrastructure and Economy recommends that should planning permission be granted the extant condition relating to landscaping should be imposed and the County Planning Monitoring and Enforcement Officer will check to ensure compliance.

77. The Head of Strategic Infrastructure and Economy considers that, based on the advice of the County Landscape Officer, the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of conditions as imposed on the extant planning permission.

Residential Amenity

78. The proposed two new AD tanks would not have any emission to air and the applicant states that the tanks would not generate noise. The Head of Strategic Infrastructure and Economy notes that the new AD tanks would be sited to the north of the existing digesters, behind an earth bund which measure about 3.5 metres high, some 450 metres north of the residential properties along Long Lane and about 200 metres south-east of the residential property of Rotherdale Farm House with intervening building and plant.

79. Objections have been raised by a local resident and Bishampton and Throckmorton Parish Council regarding existing noise and light impacts, particularly at night time. The applicant has confirmed that this planning application is for two new digesters which are silent in nature. Vale Green Energy was made aware of noise complaints on the 26 July 2016. These were investigated and the following two noise sources have been identified:

- The reject exhaust pipe from the CO₂ production system, and
- The feeding system, feed hoppers, motors and gears.

80. Since this time, the applicant states that the first noise source has been modified to seek to address this problem and they are awaiting feedback before further modifications are made. The second is currently being addressed, as the applicant is awaiting the delivery of noise suppression material which would be used

to totally encase this part of the facility within a box. In the short term a screen has been built around the motors to attempt to reduce the noise impact of the feeding system.

81. Worcestershire Regulatory Services has been consulted and has raised no objections in respect to noise or air quality. The Head of Strategic Infrastructure and Economy notes that Conditions 21, 22, 24 and 25 of the extant planning permission (12/000008/CM) relate to noise mitigation measures. In particular Condition 21 required the submission of a scheme of noise attenuation measures. Furthermore, Condition 22 limits the noise output from the existing Combined Heat and Power (CHP) engine so that the level of noise from the development within any dwelling does not exceed 10dB below background noise level. Therefore, it is considered that subject to the carrying forward of these conditions on to any new planning permission, the County Planning Authority, in liaison with Worcestershire Regulatory Services, would have appropriate conditions in which to monitor and ensure compliance in respect of controlling noise emissions from the development.

82. With respect to lighting, the proposed development would not include the installation of any further lighting. It is noted that Condition 11 of the extant planning permission (Ref: 12/000008/CM) required the submission of a lighting scheme. The Head of Strategic Infrastructure and Economy recommends that should members be minded to grant planning permission the extant condition relating to lighting should be imposed on any new planning permission. Furthermore, the applicant has confirmed that they were made aware of light pollution complaints on the 26 July 2016, two light sources were identified. Since this time, one light has been disabled (28 July 2016) and one has been moved to a lower point (27 July 2016).

83. With regards to objections raised in relation to non-compliance with the extant planning permission (Ref: 12/000008/CM) in respect of lighting, noise and landscaping. Members should note that compliance or otherwise with the extant planning permission should not be taken into account in the determination of this related but separate planning application. The Head of Strategic Infrastructure and Economy is now aware of the concerns of local residents and in view of this the County Planning Monitoring and Enforcement Officer is investigating these concerns and will continue to monitor the site and liaise with local residents, the local councillor and the applicant to ensure compliance with the extant planning permission.

84. With regard to potential impacts to human health, Public Health England has raised no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

85. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions as imposed on the extant planning permission that there would be no adverse air pollution, noise, dust or light impacts on residential amenity or that of human health.

Traffic and Highways Safety

86. Local residents have raised concerns regarding the impact the proposal would have on traffic in the local area and Bishampton and Throckmorton Parish Council

request that the County Highway Authority examine the routes that vehicles travel to the AD plant, their tonnage and frequency.

87. In response to these comments that applicant has confirmed that they wish to improve the biomethane production process of the Rotherdale Farm site through the addition of two new digestion tanks which would facilitate an increased retention time for the digestate without increasing feedstock quantity or type. The addition of the new digesters would allow more digestion and better efficiency leading to a reduction in the volume of digestate (solid fertiliser) produced and hence a reduction in associated traffic movements as more feedstocks are converted into gas of a higher quality.

88. The Parish Council is correct that the applicant no longer utilise animal wastes at the site, this is primarily because the required operational efficiencies could not be achieved using this feedstock. In addition, and importantly, the Carbon Dioxide captured from the plant is now being utilised for a 'food related use' (i.e. for a drinks manufacture process). This food related use of the captured Carbon Dioxide prevents the use of animal wastes in the feedstock.

89. The applicant has indicated that they understand that vehicle movements are a concern to the local community. In response to this they intend to move their cropping plan to be less reliant on maize crop and use whole crop rye and grass silage. This alteration would move the harvest from October/November to a more even spread of traffic between April and August, thereby reducing daily vehicle movements. In response to the meeting between Vale Green Energy and the Parish Council on the 27 May 2016, the applicant has been reviewing the internal traffic routes around the farm and has identified an internal route which they would make into an internal track that would significantly reduce the traffic through Throckmorton. This would mean that the majority of the harvests and return of fertiliser, in the form of organic matter, would be within the farm boundary. With the new route the potential for mud on the road generated by Vale Green Energy would, therefore, be significantly reduced.

90. The County Highways Officer has been consulted and has considered the letters of representation and comments from the Parish Council and has raised no objections.

91. The Head of Strategic Infrastructure and Economy notes that Condition 4 of the extant planning permission (Ref: 12/000008/CM) restricts the throughput of the facility to a maximum of 20,000 tonnes per annum of feedstock. The applicant does not propose to increase the throughput of the facility or seek to amend this condition, therefore, subject to the carrying forward of this condition on to any new planning permission, it is considered that the proposal would not have an adverse impact on traffic or highway safety. Furthermore, it is considered that it would not be appropriate to impose a planning condition to control routing of vehicles to and from the site.

Other matters

Location of the Development

92. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 4 identifies possible suitable sites for

waste management, this includes industrial sites, opportunities for co-location, re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

93. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs re-use and recycling facilities, such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes as long as they are enclosed. It also directs enclosed re-use and recycling sites to active mineral workings or landfill sites; land within or adjoining a waste water treatment works; or co-location with producers, end users or other complementary activities, where strongly justified. It is considered that the proposal would comply with Policy WCS 6 as the site has current use rights for waste management purposes.

94. The principal of the proposed development in this location is well established through the granting of the original planning permission for the AD plant and ancillary development (Ref: 12/000008/CM). The proposal seeks to increase the efficiency of the existing AD plant through the construction of two new AD tanks that would enable digestate to be held within the vessels for a longer period of time, enabling full digestion and hence optimum gas production and quality could be achieved. Furthermore, it is considered that the proposed development would meet the key principles set out in the National Planning Policy for Waste and Worcestershire Waste Core Strategy with regards to driving waste up the waste hierarchy by facilitating the efficient operation of the existing AD Plant which is considered a sustainable waste management facility.

Ecology and Biodiversity

95. The Tributary of Piddle Brook LWS is located approximately 40 metres north of the site and the site is located approximately 2 kilometres from Naunton Court Meadows SSSI and Yellow House Meadow SSSI. Consequently, Worcestershire Wildlife Trust and Natural England have been consulted, respectively. Both the Wildlife Trust and Natural England have raised no objections to the proposal with the Wildlife Trust deferring to the opinion of the County Ecologist for all detailed matters relating to biodiversity on site. The County Ecologist has been consulted and has raised no objections. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

The Water Environment

96. The application site is currently hardstanding having recently been developed as part of the wider AD Facility. Condition 19 of the extant planning permission required the submission of drainage scheme for the disposal of foul and surface water, which illustrated that the yard area and storage areas drain to the foul water system and roof water was shown as draining to the irrigation lagoon. The scheme

was approved in consultation with the Environment Agency and has now been implemented. The applicant does not propose to amend this drainage arrangement.

97. The Environment Agency are satisfied that the proposal is unlikely to result in direct impacts to groundwater, however, the Environment Agency is unsure whether the containment at the site is adequate to prevent loss of polluting material in the event of a catastrophic or slow failure, stating that the applicant may wish to consider future proofing the scheme, should the waste types change in the future and the site fall under the Environment Agency's regulation, but also to ensure a robust scheme.

98. In response to the Environment Agency's comments the applicant has confirmed that bunding, as required by the previous consent has been fully installed. The Lead Local Flood Authority has also been consulted and has raised no objections to the proposal. Based on this advice, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse effects on the water environment.

Economic Impact

99. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

100. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"* and paragraph 28 states that *"planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development"*.

101. The proposal seeks to increase the efficiency of the existing AD by enabling full digestion, thereby optimising gas production and quality. Whilst the proposal would not increase the number of employees at the site it is considered that it would help to secure the existing six jobs at the site. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

Conclusion

102. This planning application seeks a minor material amendment to planning permission 12/000008/CM to enable the construction of two new AD tanks at Rotherdale Farm. The applicant wishes to improve its biomethane production process to achieve a gas mix of 55% biomethane and 43% carbon dioxide through the construction of two new AD tanks which would facilitate an increased retention time for the digestate without impacting on feedstock capacity or type and result in better quality biomethane for injection into the national grid.

103. The proposed digestion tanks have been designed to match the existing AD tanks at the site and as such fit into the wider context of the operating AD facility. Accordingly, the Head of Strategic Infrastructure and Economy considers that, based on the advice of the County Landscape Officer, the proposed development would not have an unacceptable impact upon the character and appearance of the surrounding area, subject to the imposition of conditions as imposed on the extant planning permission.

104. The proposed two new AD tanks would not have any emissions to air and the applicant has confirmed that the tanks would not generate noise emissions. Based on the advice of Worcestershire Regulatory Services and Public Health England, the Head of Strategic Infrastructure and Economy considers that there would be no adverse air pollution, noise, dust or light impacts on residential amenity or that of human health, subject to the imposition of appropriate conditions as imposed on the extant planning permission.

105. Condition 4 of the extant planning permission (Ref: 12/000008/CM) restricts the throughput of the facility to a maximum of 20,000 tonnes per annum of feedstock. The applicant does not propose to increase the throughput of the facility or amend this condition, therefore, subject to the carrying forward of this condition on to any new planning permission, it is considered that the proposal would not have an adverse impact on traffic or highway safety.

106. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14, and WCS 15 of the adopted Worcestershire Waste Core Strategy and Policies SWDP1, SWDP2, SWDP4, SWDP6, SWDP12, SWDP21, SWDP22, SWDP24, SWDP25, SWDP27, SWDP28, SWDP29, SWDP30 and SWDP31 of the adopted South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

107. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, without complying with Condition 2 of that permission so as to construct two new Anaerobic Digestion Tanks at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire, subject to the following conditions:

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) **The development hereby permitted shall be carried out in accordance with the following approved drawings numbered:**
 - **JER5274-001 Revision A;**
 - **JER5274-003 Rev. A;**
 - **SPH/1001/011/Z;**

- JER5274-006 Rev.-;
 - SPH/1001/010/Z;
 - 610-032 Revisions B;
 - JSL2143 0003-02 D; and
 - JPW0147-003;
- c) On the decommissioning of the facility all the equipment shall be removed from the site and the land restored to agricultural use in accordance with a scheme to be submitted and approved in writing by the County Planning Authority;
- d) The Anaerobic Digestion Plant shall have a maximum throughput of 20,000 tonnes, organic matter, per annum of Feedstock consisting of Energy Crops such as maize, sugar beet, rye grass and whole crop wheat, poultry droppings and cattle manure. Records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of materials for the duration of the operation of the Anaerobic Digestion Plant;
- e) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays and there shall be no construction work on Sundays, or public and bank holidays;
- f) The permitted hours for deliveries of poultry droppings to the development hereby permitted shall be between 8:00 to 18:00 hours Mondays to Friday and between 08:00 to 17:00 hours on Saturdays with no deliveries on Sundays, or public and bank holidays;
- g) Plant maintenance (within the building only) shall only be carried out between 06.00 and 22.00 hours Mondays to Saturdays;
- h) The storage clamps shall only be used for the storage of energy crops and not for the storage of any waste materials;
- i) The height of the stockpiles within the storage clamps shall not exceed 5 metres in height; and a means of visually checking the height shall be implemented and maintained for the duration of the development, in accordance with the approved scheme: covering letter dated 19.12.13, referenced: JCD2066 and titled: 'Discharge of Condition 9 of Planning Decision Notice Ref 12/000008/CM for the development of an anaerobic digestion plant, beef unit and ancillary infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire'; Drawing titled: 'Sections showing the silage clamp' (drawing number: GA_P101); and Drawing titled: 'Foundation Plan showing the silage clamp (drawing number: GA_P100)';
- j) All waste materials imported to the site shall be sheeted at all times during importation;
- k) All external lighting and other illumination at the site shall be implemented and maintained in accordance with the approved lighting scheme: Appendix 1 titled: 'Details of Proposed External Lighting' (Plan: 'B6962-EX-001-A1' which sets out the location of the lighting and the Luminous

Intensity Value; 'Details of Helvellyn bollards'; 'Q3-Q5 Pro Catalogue', which provides details of the lights and 'Rotherdale Farm site calculation surfaces') dated 16 August 2012;

- l) The development shall be carried out and maintained in accordance with approved scheme of materials, colours and finishes: 'Appendix 2 titled: 'A sample of the Aluminium to be used for the digesters and beef unit, plastic to be used for the top of the digesters and end storage bag' dated 16 August 2012;

Landscaping & Ecology

- m) The submitted landscape scheme as shown on drawings numbered 003-02, Rev D and Appendix B – Plant Schedules shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the County Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period;
- n) The development hereby approved shall be carried out in accordance with the recommendations set out in the document titled 'Extended Phase 1 Habitat Survey' dated February 2012 referenced JER5274;

Drainage

- o) The drainage scheme for the disposal of surface water and foul sewage shall be implemented and maintained in accordance with the approved details: Drainage Layout shown on plan numbered 610-032-01 Revision A dated 22/11/2012;

Pollution Control

- p) Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;
- q) The approved scheme of noise attenuation measures titled: 'Rotherdale Farm Anaerobic Digester Discharge of Planning Conditions (Project Number JAL6723)' dated 28 November 2012 shall be implemented and

maintained for the duration of the development;

- r) The emission of noise from the operation of the Combined Heat and Power (CHP) engine hereby approved shall be controlled by limiting the output thereof and by sound insulation if necessary so that the level of noise from the development hereby approved within any dwelling shall not exceed a level 10dB below the background level in all 1/3 octave frequency bands. This background noise shall be defined as LA90 measured in hourly intervals through a 24 hour period;**
- s) The approved Dust Management Plan dated 15 August 2012 shall be implemented and maintained for the duration of all the operations associated with the Anaerobic Digestion facility;**
- t) All vehicles and machinery associated with the facility use of the site shall be fitted with a non-audible safety device or a "smart" form of reversing alarm, which produces a sound only audible to personnel in the immediate vicinity of the vehicle to which it is fitted. The design specification for the safety reversing device shall be implemented and maintained in accordance with the approved scheme: 'Brigade Vehicle Safety Solutions bbs-tek White Sound Warning Alarms'; 'Brigade White Sound Smart Reversing Alarm which includes the following models'; 'SA-BBS-97 – Self adjusting – medium duty – 77-97 Decibels 1399' and 'SA-BBS-97HV – Self adjusting – electric forklift – 77-97 Decibels 1398';**
- u) The vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers; and**
- v) The approved Odour Management Plan dated 15 August 2012 shall be implemented and maintained shall be implemented for the duration of the development.**

Contact Points

County Council Contact Points

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Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

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Mark Bishop, Development Control Manager:

Tel: 01905 844463

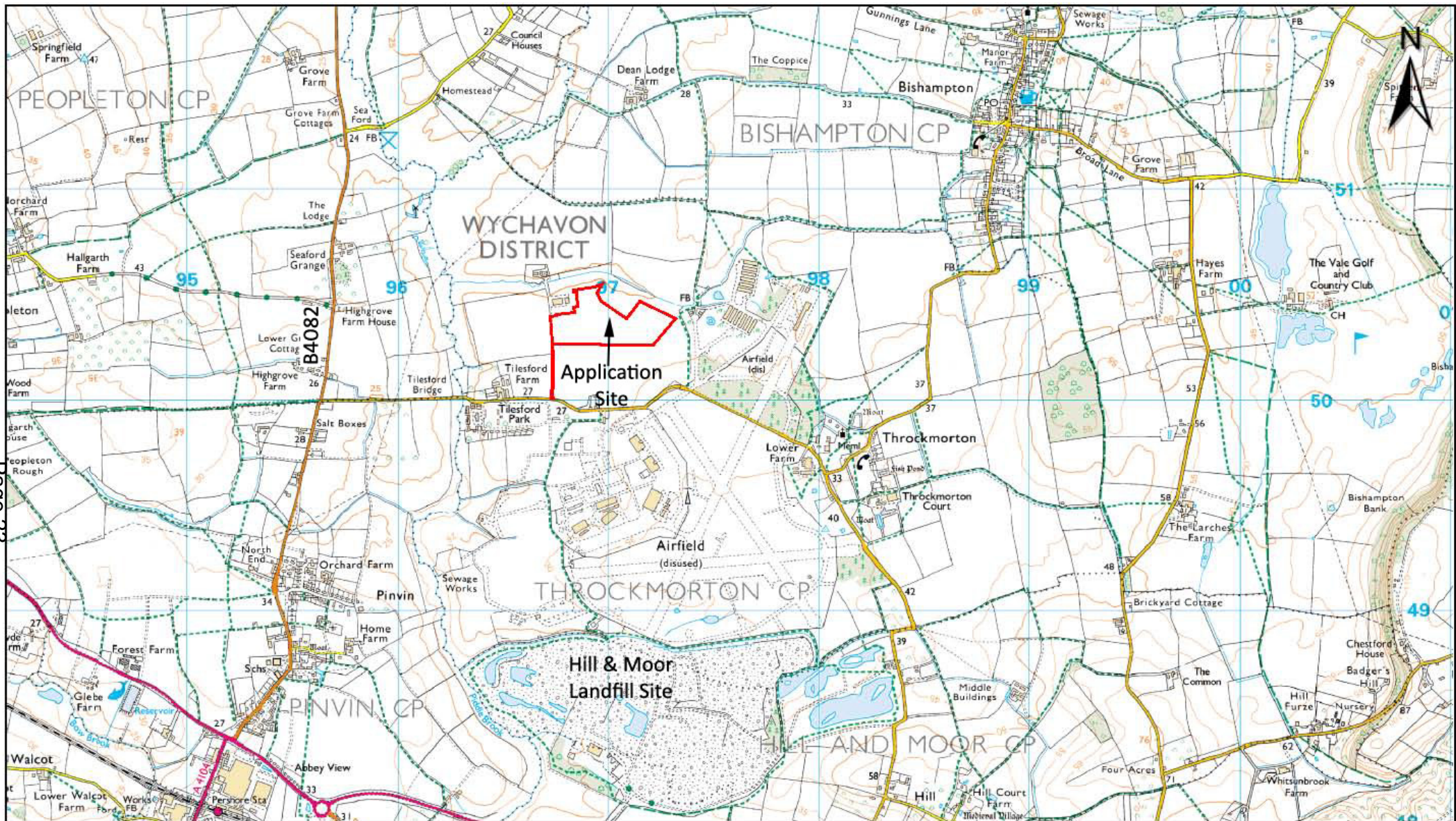
Email: mbishop@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 16/000008/CM.

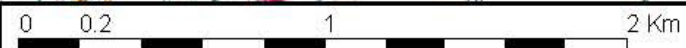
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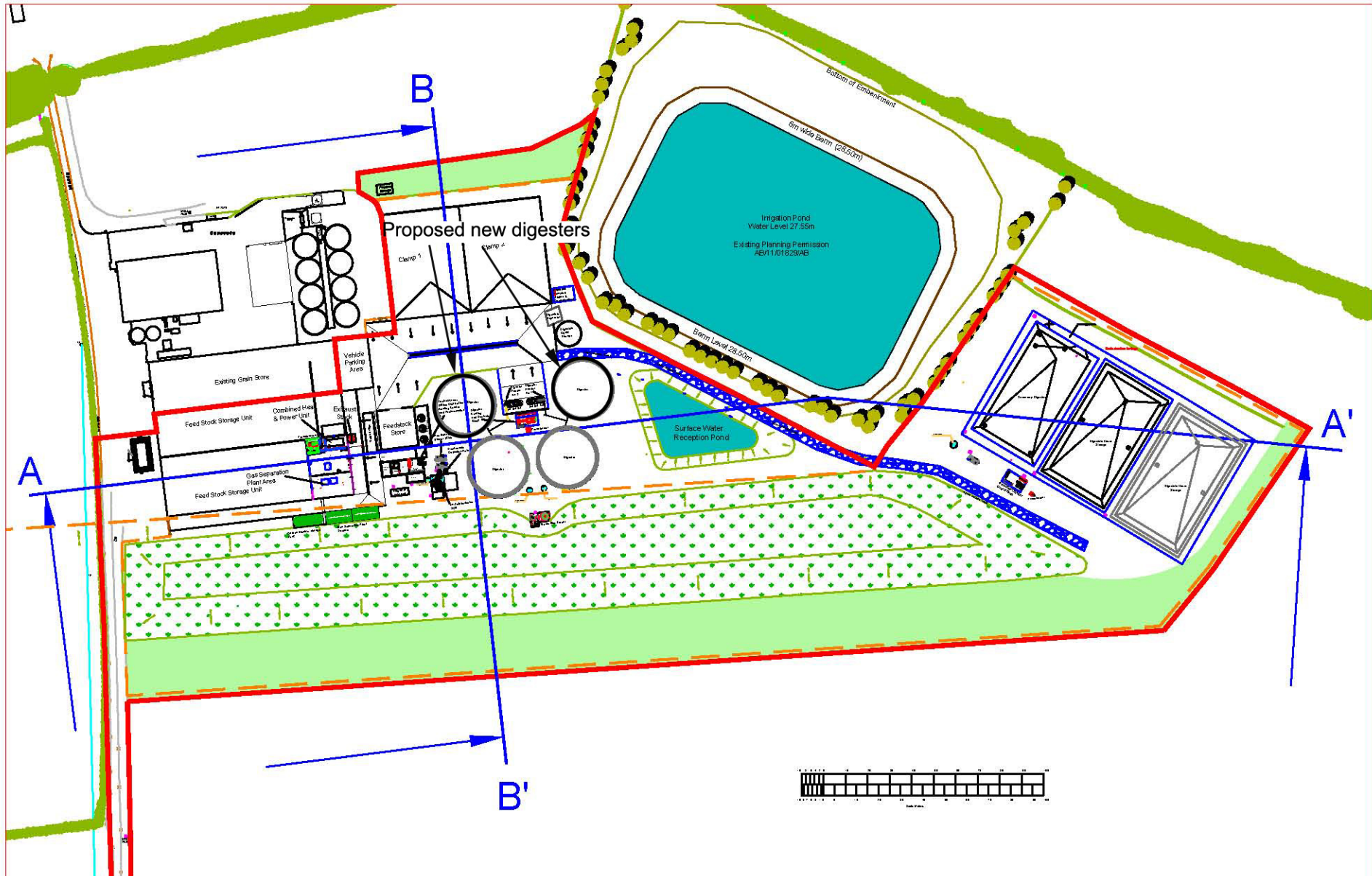


Proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012 for "development of an anaerobic digestion plant, beef (cattle) unit and ancillary infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire" to vary Condition 2 so as to construct two new anaerobic digestion tanks
Ref: 16/000008/CM



Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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Vale Green Energy Ltd Salter Lane Pershore	Title	Drawn: AN	Date: 6.6.15	Checked PB	Date: 6.6.15
	Proposed Additional Digesters	Modified on 14.7.15 to Revision A, on 24.2.16 to Revision B			
		Drg. No: SPH/1001/011/Z			

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**PLANNING AND REGULATORY COMMITTEE
20 SEPTEMBER 2016****PROPOSED EXTENSION OF A YARD ASSOCIATED WITH
AN EXISTING WASTE TRANSFER STATION AT GROVE
HOUSE YARD, TEWKESBURY ROAD, UPTON-UPON-
SEVERN, WORCESTERSHIRE**

Applicant

Dynamic Construction Limited

Local Member(s)

Mr R J Sutton

Purpose of Report

1. To consider a County Matter planning application for a proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn, Worcestershire.

Background

2. Grove House Yard has a history of mixed commercial and industrial uses. The yard was mainly used as a haulage and distribution depot from the early 1950s and has a number of uses operating from the site including a workshop and garage, motorcycle business, car sales, accommodation for hauliers, and small commercial units and a ready mix concrete batching plant.

3. The Planning and Regulatory Committee granted planning permission for the existing Waste Transfer Station in May 2012 (Reference no. 11/000060/CM, Minute no. 775 refers). Since then Digaway and Cleanaway (the sister company of the applicant) applied for planning permission in November 2014 to extend the existing Waste Transfer Station building at the site. The rationale for this extension was because they had become highly successful due to a very high demand for waste management services and a low supply of such operators locally. As a result, the existing building was not of a sufficient size to allow all waste transfer operations, including, sorting, storing, loading and unloading to be undertaken within the building which had meant that storage of materials and waste transfer operations had been occurring outside of the building. This was in breach of Conditions 5 and 20 of the extant Planning Permission 11/000060/CM which relate to waste transfer operations only taking place within the building and storage of materials, (including wastes and processed materials) except empty skips, goods or equipment on the site, respectively.

4. In order to regularise this breach of planning control, the applicant applied to extend the existing building in order to provide a larger covered area within which the waste transfer activities would be carried out. The Committee subsequently

granted planning permission for the extension of an existing Waste Transfer Station building in May 2015 (Reference no. 14/000045/CM, Minute no. 907 refers). This permission has not yet been implemented. The applicant states that the reason for this is because "*the construction of the extended building would reduce the size of the yard area to such a degree that Waste Transfer operations are inhibited greatly*". The applicant is, therefore, applying to extend the yard area associated with the Waste Transfer Station operations to facilitate the construction of the permitted Waste Transfer Station building extension.

The Proposal

5. The applicant is seeking permission for a proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn, Worcestershire. The applicant states that "*the proposed extension is required because following the grant of planning permission for the extension to the Waste Transfer Station building (Reference no. 14/000045/CM, Minute no. 907 refers) it became apparent that its construction would have the effect of reducing the working yard area to a degree that it would inhibit the circulation and operational activities*".

6. The applicant goes on to state that the "*operational arrangements of the Waste Transfer Station would not alter as a result of this proposal. The extended yard area would simply provide sufficient circulation space for the existing activities to be conducted and to allow the construction of the building extension previously granted planning permission (Reference no. 14/000045/CM, Minute no. 907 refers). There is a serious lack of car parking provision on site at present which has resulted in an off-site car parking facility being provided. This has been the subject of a separate planning application and has been refused by Malvern Hills District Council*" (District Reference: 15/01740/FUL). The applicant has lodged an appeal against the District Council's decision, which is still under consideration by the Planning Inspectorate (Appeal Reference: APP/J1860/W/16/3145698).

7. The proposed yard extension would measure approximately 0.37 hectares in area. The yard would accommodate car parking for staff (21 standard parking spaces and 1 parking space for disabled users); relocated weighbridge; empty skip storage area in the northern part of the extension area; and ten bays for the external storage of inert wastes, located in the south-east corner of the extension area, measuring about 4 metres wide by 4 metres long by 2.4 metre high to be constructed from timber sleepers or similar. A new concrete section of access road together with gates is also proposed to aid vehicle circulation. The existing baled storage area to the east of the Waste Transfer Station building is currently open to the elements. The applicant is proposing that this be replaced in its current location by a new lean-to covered storage area. The applicant states that the vehicles associated with the Waste Transfer Station business (spaces for up to ten vehicles) would be stored overnight immediately to the south of the permitted Waste Transfer Station building for security reasons. A below ground surface water attenuation tank measuring about 30 cubic metres is also proposed within the extension area to cater for rainwater from the existing and permitted Waste Transfer Station buildings. Surface water from the existing and proposed yards would be directed to a below ground surface water attenuation tank (measuring about 108 cubic metres) within the proposed extension area, an associated silt trap and hydrobrake would also be installed. A pond feature is proposed in the northern corner of the site. The

proposed yard area would be enclosed by a closeboard timber fence measuring about 2.4 metres high along the eastern boundary and metal palisade fencing and gates measuring about 2.4 metres high situated along the northern and southern boundaries of the site. A landscaped area encompassing native shrub and tree planting is proposed along the eastern and northern site boundaries. A new hedgerow is also proposed to be planted off site, situated about 120 metres south of the proposal in between the application site and the residential properties along Ryall Grove and Willow Close. The annual throughput of wastes at the site would remain unchanged at up to 5,000 tonnes per annum.

8. The hours of operation are not proposed to be altered. The existing hours of operation are 07:30 to 18:00 Mondays to Fridays, inclusive and 07:30 to 13:00 on Saturdays. No operations are permitted on Sundays or Bank Holidays.

9. The applicant states that there would be no increase in HGV traffic generated by the site resulting from the proposed development. The current HGV movements are approximately 24 HGV movements per day (12 HGVs entering the site and 12 HGVs exiting the site). The proposal would create 6 further full-time equivalent jobs, resulting in a total of 24 full-time equivalent employees and 1 part-time employee.

The Site

10. The application site, which measures approximately 0.37 hectares in area, is located about 240 metres north of Ryall village and approximately 1.1 kilometres north-east of Upton-upon-Severn in a predominantly rural setting. The application site is located adjacent to a small commercial and industrial yard along the eastern side of Tewkesbury Road (A38). The commercial and industrial yard comprises a ready mix concrete plant to the north; and a workshop and garage, specialist motorcycle enterprise and car sales business in the western part of the yard. At the southern end of the yard are offices, two commercial business units, a glass and glazing company, a tyre and battery enterprise and two motor repair businesses. The application site would be located predominately on agricultural land and is surrounded to the north, east and south by agricultural land.

11. The existing Waste Transfer Station site is situated at about 14.75 to 15 metres AOD ground level. The proposed extension area would be situated on land about 1 metre lower, at approximately 13.70 metres AOD.

12. Access to the site is gained via the existing access off Tewkesbury Road (A38). There are two Public Rights of Ways located in close proximity to the site. Footpath RP-512 is sited approximately 280 metres east of the application site and Footpath RP-513 is sited about 235 metres south-east of the site.

13. The application site is located approximately 440 metres west of the Smithmoor Common and Meadows Local Wildlife Site (LWS) and approximately 775 metres north-east of the River Severn LWS. The application site is also located approximately 850 metres north-east of the Upton Ham Site of Special Scientific Interest (SSSI) and about 1 kilometre north-west of Earl's Croome Meadow SSSI

14. The application site falls within Flood Zone 1 which has a low probability of flood risk.

15. The nearest residential properties to the application site are Grove House which is sited adjacent to the application site (red line boundary) and about 50 metres west of the proposed extension area. A row of flats are located immediately to the west of the proposal within the commercial estate. The Willows is sited approximately 25 metres south of the application site. There are further residential properties situated along Ryall Grove, which is located about 220 metres south of the application site.

Summary of Issues

16. The main issues in the determination of this application are:-

- The Waste Hierarchy
- Location of the Development
- Landscape Character and Appearance
- Residential Amenity
- Traffic and Highways Safety
- Ecology and Biodiversity, and
- The Water Environment.

Planning Policy

National Planning Policy Framework (NPPF)

17. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

18. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:-

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

19. The Government believes that sustainable development can play three critical roles in England:-

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

20. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

National Planning Policy for Waste

21. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

22. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

23. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

24. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses
Policy WCS 8: Site infrastructure and access
Policy WCS 9: Environmental assets
Policy WCS 10: Flood risk and water resources
Policy WCS 11: Sustainable design and operation of facilities
Policy WCS 12: Local characteristics
Policy WCS 14: Amenity
Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan

25. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016. The SWDP policies that are of relevance to the proposal are set out below:-

Policy SWDP 1 Overarching Sustainable Development Principles
Policy SWDP 2 Development Strategy and Settlement Hierarchy
Policy SWDP 3 Employment, Housing and Retail Provision Requirements and Delivery
Policy SWDP 4 Moving Around South Worcestershire
Policy SWDP 8 Providing the Right Land and Buildings for Jobs
Policy SWDP 12 Rural Employment
Policy SWDP 21 Design
Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 25 Landscape Character
Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 30 Water Resources, Efficiency and Treatment
Policy SWDP 31 Pollution and Land Instability

Waste Management Plan for England (2013)

26. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

27. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

28. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

29. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

30. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

The Government Review of Waste Policy England 2011

31. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Consultations

32. **Earls Croome Parish Council** makes the following comments:

- The Parish Council complained at a meeting on 4 April 2016 that the hours of working were not being adhered to, and that work often commenced before 07:30 hours and beyond 13:30 hours on Saturdays
- Concerns about dust and pollution from the site
- Sufficient landscaping should be provided at the southern part of the site to minimise the impact on the local community at Ryall Grove
- Concerns regarding the living conditions of the residents of the 6 flats within yards of the buildings on site, and the residents of Grove House
- Concerns regarding the ditch that ran along the eastern boundary of the site has already been infilled and relocated into the adjoining field. The County Planning Authority should ensure that the site is adequately and properly drained
- The potential for an increase in traffic resulting from an increase in staff from 18 to 24, and an expanding business should be considered
- A site meeting with the applicant and agent took place on 25 April 2016. Confusion arose regarding a proposed bund along the eastern boundary of the site. The Parish Council are concerned that the plans do not show a bund, and that the proposal should be clear and unambiguous regarding this bund.
- The Parish Council recognise the need for a bund down the greater part of the boundary to provide screening. Construction and future maintenance of any bund should be regularly monitored by the authorities

- Provision of a road was mentioned at the site meeting on 25 April, but this is not identified on the plans. Any roadway should be clearly shown on the plans and flood risk should be considered
- The additional area is much lower than the original site. A condition should be placed on any approval to prevent future development of any kind on this additional land
- A restriction should be placed on the height that skips can be stacked to because they present an eyesore, and
- This application proposes ten external bays, and therefore, would continue the processing and storage of waste outside the Waste Transfer Station building, creating further noise, pollution and visual impacts to residents. Should planning permission be granted a condition should be imposed requiring these bays to be located within the building.

33. **Ripple Parish Council** makes the following comments:

- They welcome the proposal to locate a 22 space car park at the rear of the site as a permanent alternative to the part retrospective formation of a car park off Tewkesbury Road (District Ref: 14/01740/FUL (refused), Appeal Ref: APP/J1860/W/16/3145698 still under consideration)
- They welcome the increase in the number of employees from 18 to 24
- They raise concerns over the potential increase in traffic which may result from the expansion of the site and query the submitted vehicle movement figures
- They expect a condition to be imposed restricting the height of any externally stored skips or materials, as per the extant planning permission (Ref: 14/000045/CM)
- They welcome the inclusion of Sustainable Drainage System (SuDS) and expect that South Worcestershire Land Drainage Partnership would be consulted, and
- They welcome the proposal to screen the site's eastern boundary; however, the Parish Council consider the construction of an earth bund to restrict noise and vehicle light pollution during the winter months would be more appropriate.

34. **Malvern Hills District Council** raises concerns that due to the size of the yard extension it would have an adverse landscape and visual impact, even with the additional planting given the size of the yard extension proposed. The District Council state that they would not object to a smaller extension limited to providing staff car parking and improvements to circulation space.

35. Based upon the submitted Transport Assessment, it appears that the proposed use would not have a greater impact upon the surrounding highway network.

Subject to the County Highways Officer being satisfied with the proposed, the District Council wish to raise no objections on highways grounds.

36. Should the County Planning Authority be minded to support this application, regard should be given to the comments received from South Worcestershire Land Drainage Partnership to ensure that the proposal accords with Policy SWDP 29 of the South Worcestershire Development Plan.

37. Due to the proposed external bays for inert waste storage, the District Council consider it would be difficult to control their operation and use by way of a planning condition that prevents the external sorting of waste material. Ultimately, however, this is a matter for the County Planning Authority to address as decision-taker.

38. The District Council raises no objections to the proposal on biodiversity grounds, subject to appropriate conditions requiring the biodiversity enhancement measures referred to in the submitted Ecological Survey being implemented.

39. **The Environment Agency** has no objections, and note that the existing Waste Transfer Station has an Environmental Permit regulated by the Environment Agency. The Environmental Permit control emissions to land, air (including odour, noise and dust) and water. At the time of commenting on the application the Environment Agency had not received any substantiated complaints in respect of emissions.

40. **Public Health England** has no objections to the proposal, stating that they have no significant concerns regarding the risk to the health of the local population, providing that the applicant takes all appropriate measures to prevent or control emissions in accordance with industry best practice.

41. **Worcestershire Regulatory Services – Air Quality** has no objections, stating that the application indicates there would be no increase in traffic; therefore, there would be no impact on air quality.

42. **Worcestershire Regulatory Services – Noise** has no objections, stating that the amended Noise Assessment is satisfactory and indicates that noise from the additional activities should not have a significant impact at the nearest residential dwellings.

43. **The County Highways Officer** has no objections, subject to the imposition of a condition requiring details of the construction of the access, turning area and parking facilities. They note that the site is currently limited by planning condition to the processing of up to 5,000 tonnes of waste per annum (Condition 10 of planning permission 14/000045/CM). There is no proposed increase to this tonnage. The extension would result in an enlargement of the operational area of the site and would provide 21 car parking spaces and 1 car parking space for disabled users. Given that the annual tonnage processed would not increase they raise no objections to the proposal.

44. **The County Archaeologist** has no objections, subject to a condition requiring a programme of archaeological monitoring and recording. The Archaeologist comments that the Worcestershire Historic Environment Record indicates the presence of known heritage assets of archaeological interest in the immediate

vicinity of the application site, comprising an area of prehistoric activity identifiable as cropmarks on aerial photographs.

45. **The County Landscape Officer** has no objections, subject to the imposition of conditions requiring retained trees to be protected during the construction works, and any trees that die are replaced. They note that the submitted Landscape Statement states:

- There would be some limited adverse visual impact during the construction phase of the development, but that the majority of the proposed extension area is hidden from view due to the topography and intervening mature trees and hedgerows
- While it is acknowledged that there may be some degree of operational impact associated with the expansion of the yard area this is anticipated to be minor in nature, decreasing over time as the proposed screen planting matures, with only limited visibility/ views into the site from the surrounding landscape. This may include limited, glimpsed views from the A38 when immediately approaching the site, but this should be taken in context of the existing Waste Transfer Station buildings / yard in the foreground, and views from elevated middle distance positions to the east, particularly from footpaths RP-512 and EA-544, where there would be views into the proposed yard extension area. However it is recognised that there are existing views into the Waste Transfer Station from those positions and the yard extension would not substantially increase the level of visual intrusion to footpath users / receptors in this area when compared to existing views of the site
- The native tree and shrub planting proposed along the eastern site boundary would help to screen the existing site and the proposed yard extension, as well as providing a wildlife corridor
- The proposed planting to the south of 'The Willows' would enhance the deteriorating hedgerow structure and would be sympathetic to the landscape character of the area, and
- The planting and pond creation proposals are in accordance with the NPPF (paragraph 109) with regard to minimising impacts on biodiversity and providing net gains in biodiversity where possible.

46. **The County Ecologist** has no objections, subject to the imposition of conditions regarding details of planting specifications; timing of vegetation clearance, bird boxes, protection of retained trees, and an updated ecological assessment should works not commence within a specified timescale.

47. The County Ecologist states that they support the design principles of the proposal insofar as they aim to use a selection of native species with recognised value for biodiversity in order to strengthen the local habitat network and to provide new opportunities for wildlife. However, the value of the proposed SuDS pond for biodiversity would be dependent on its initial planting specification. It is noted that the application is explicit in that no new lighting is proposed and the submitted Ecological Appraisal identifies the requirements for light to be strictly controlled to prevent unnecessary illumination, specifically upon identified wildlife habitats.

48. **Worcestershire Wildlife Trust** has no objections and wishes to defer to the County Ecologist for all detailed on-site biodiversity considerations.

49. **The Lead Local Flood Authority** has no objections, deferring to the opinion of South Worcestershire Land Drainage Partnership for all detailed matters relating to surface water management.

50. **South Worcestershire Land Drainage Partnership** has no objections, subject to the imposition of a condition requiring an implementation and maintenance plan for the Sustainable Drainage System (SuDS). They note that the submitted longitudinal cross-section through the proposed SuDS 'train' through the site shows that there is insufficient fall available to achieve minimum self-cleansing gradient for the pipe run between the attenuation tank and the pond feature, however, the Drainage Officer notes that the arrangement must work within the existing ground levels that are available and the insertion of a manhole along this pipeline length would permit future operator(s) to gain access for regular maintenance of the pipeline upstream to the storage tank and downstream to the pond. On that basis the Drainage Officer raises no objections.

51. **Severn Trent Water** has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

52. **West Mercia Police** has no objections to the proposal.

53. **Hereford and Worcester Fire and Rescue Service** has made no comments.

54. **The Campaign to Protect Rural England** has made no comments.

Other Representations

55. The application has been advertised in the press, on site, and by neighbour notification. To date 1 letter of representation objecting to the proposal has been received with an accompanying petition of 20 signatures from local residents who have formed the action group: 'Grove Residents Reclaiming Altogether a Tranquil Environment' (GRRATE). The letter of representation and accompanying petition are available in the Members' Support Unit. The main comments are summarised below:

- The application site is outside the South Worcestershire Development Plan
- The site is in the wrong location. Previous applications highlighted that the site would not be large enough for an increase in waste tonnage
- Previous applications stated that the processing and storage of waste materials would be confined inside the Waste Transfer Station building. This has not been the case and these activities continue to take place outside the building
- A physical barrier to reduce the noise and visual impact needs installing immediately
- Resident's daily lives and property values have been impacted for 3 years

- The Noise Assessment was based on a predicted Noise Assessment dated 2010 from a different site. Complaints have been made to Worcestershire County Council regarding this
- Planning application 14/000045/CM was approved to resolve outstanding issues. However, it appears Digaway and Clearaway's intention was to extend the site by stealth through this planning application
- Waste transfer activities take place in the open in the yard area on a daily basis. The door to the unit is open from 07:00 (and sometimes earlier), and remains open all day, which is not in compliance with the extant planning permission
- Heavy plant movements create unacceptable noise for residents
- Crushing of waste takes place in outside bins and the storage area. This activity does not have planning permission
- The landscape statement does not account for the visual impact on the bungalows and some houses with a clear view of the yard. The noise impact would be unacceptable and the yard is an eyesore
- If the operator wishes to expand the site further they facility should be relocated to a more sustainable site
- The Landscape and Visual Impact Assessment indicates that residents are would have to wait at least 5 years before the hedgerow screening is well established and mature
- The Design Philosophy section of the Landscape and Visual Impact Assessment indicates that the residents are affected by visual and acoustic problems. Why has this not been resolved by Worcestershire County Council?
- Letters and photographs detailing a number of concerns have been sent to the Worcestershire County Council's Enforcement Officer over a lengthy period of time, and
- The petition requests that no further building or works should take place until the screening and noise issues have been addressed.

The Head of Strategic Infrastructure and Economy's Comments

56. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

The Waste Hierarchy

57. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and

- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

58. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013). The Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

59. The Head of Strategic Infrastructure and Economy considers that as the proposed development would involve the bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators it would comply with the objectives of the waste hierarchy.

Location of the Development

60. The yard extension would take place adjacent to the boundary of a small commercial estate in a predominantly rural area. The yard extension would be situated on greenfield agricultural land, and would measure approximately 0.37 hectares in area.

61. One letter of representation has been received objecting to the proposal on the grounds that it would be located in an unsustainable location and should be relocated.

62. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 4 identifies possible suitable sites for waste management, this includes industrial sites, opportunities for co-location, re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

63. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

64. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities, to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

65. The proposal would be located in Level 5: 'All other areas' of the geographic hierarchy for waste management in Worcestershire (the lowest level).

66. Paragraph 4.24 of the Worcestershire Waste Core Strategy states that *"level 1 is the highest level of the geographic hierarchy. If the proposed site is not in level 1 of the geographic hierarchy, applicants should demonstrate that proposals are located at the highest appropriate level. This should set out the special considerations that justify why it is more suitable for the development to be located on the proposed site than in the geographic zones at higher levels"*.

67. Paragraph 4.26 of the Worcestershire Waste Core Strategy outlines a number of reasons which may help to justify the location of the development outside of level 1 of the geographic hierarchy, this includes: proximity to the producers of the waste to be managed; proximity to end users, proximity to other waste management facilities in the same treatment chain, proximity to synergistic development, enabling bulking, movement of material, and lack of suitable sites at higher levels of the geographic hierarchy.

68. The applicant states that the location of the site is acceptable because *"there is a sparsity and scarcity of such waste management facilities presently in this southern part of the County. This, combined with the excellent connections to the strategic transport network gives the site good credentials"*.

69. It is considered that the applicant has not adequately demonstrated the reasons why the site has to be located within level 5 of the geographic hierarchy, however, the Head of Strategic Infrastructure and Economy notes the proposal would be an extension of an existing and well established waste management site, and, therefore, the principle of a waste management facility in level 5 of the geographic hierarchy in this location has already been established.

70. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs re-use and recycling facilities, such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes as long as they are enclosed. It also directs enclosed re-use and recycling sites to active mineral workings or landfill sites; land within or adjoining a waste water treatment works; or co-location with producers, end users or other complementary activities, where strongly justified. Greenfield land is stated as not being a compatible land use.

71. The applicant states that *"there are no specific policies within the Waste Core Strategy that deal specifically with the extension of existing Waste Transfer Station buildings. It is not appropriate to apply Policy WCS 6 as this policy deals specifically with proposal for 'new' waste management facilities. This is an existing facility so this policy does not apply"*.

72. The Head of Strategic Infrastructure and Economy notes that the matter of whether Policy WCS 6 applies to extensions to existing waste management facilities was considered by the Inspector in the determination of appeal by *Mr A. Craddock (Craddock Metal Recycling) against the decision of Worcestershire County Council to refuse to grant planning permission for the erection of steel framed building for*

use as a Waste Transfer Station and extension of existing storage area for waste (part retrospective), new access, car parking and landscaping. (Re-submission of 12/000087/CM) at Clevedon Farm, Ickniel Street, Beoley, Redditch, Worcestershire (Appeal Reference: APP/E1855/A/14/2215468). The inspector concluded that:

- *"Paragraph 21. The land where the new development would be largely sited, to the west of the existing facility is an agricultural field. Greenfield land is not a compatible land use for enclosed re-use and recycling and 'other recovery' or disposal facilities, or other unenclosed facilities, as identified within Table 7. The proposed scheme would therefore conflict with Policy WCS 6. I consider that the Council was correct to consider the scheme against this policy as the proposal involves new development, even though it would be an extension of existing waste transfer facilities".*

73. It is considered that the proposal would not be in accordance with Policy WCS 6, as the expansion of an existing waste management facility is not referred to in the list of examples; and this list refers to other activities, producers and end users, focusing on synergies rather than further development of the same operation, and is therefore, not an exemption allowable by this policy. It is therefore, considered that the compatible land use of 'co-location with producers, end users or other complementary activities' is not applicable in this instance, and the proposed development would be on greenfield land. There is no evidence submitted with the application as to why the proposal has to be sited on greenfield land and to whether the applicant has considered siting the proposed development on land set out as compatible in Policy WCS 6. As a result, the proposed development is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy.

Landscape Character and Appearance

74. The proposed yard extension would be located in an existing agricultural field adjacent to a small commercial estate. Two Public Rights of Way are located within 300 metres of the application site to the east and to the south-east.

75. 1 letter of representation containing 20 signatories has been received objecting to the proposal on visual impact grounds.

76. The application was accompanied by a Landscape and Visual Impact Assessment which considers in respect of views from residential properties that *"due to their orientation and window layout neither the Grove House or The Willows have direct views across the proposed extension area. There are no other near distance views from properties. In terms of middle distance views the vast majority of The Grove would similarly have no views towards the site. However there are 7 or 8, mainly bungalow properties along the north side of Ryall Grove, Willow Close and Green Lane that have open or partial low-lying views of the existing Business Park and proposed extension site... There may be oblique and partial upstairs long distance views from Sudeley Farmhouse to the south-east of the site, but the majority of the farm is comprised of windowless agricultural barns and outbuildings from which no views are afforded. Neither Sudeley or Withybeds Cottages have views towards the proposal due to their orientation, wooded setting, and/or intervening topography".*

77. The Landscape and Visual Impact Assessment concludes that *"on completion of the works (including the following 5 years) and while the soft landscaping is immature it is anticipated that whilst the majority of the yard activities should be screened from view at the lower level / The Grove some upper portions of plant, skips, and vehicles may be discernible above the closeboard fencing. From elevated middle distance positions to the east (from Public Rights of Way) the views of the yard are likely to be greater as they will be able to see more over the top of the fencing. Some headlight spillage may be discernible particularly during the winter months*

78. *From approximately 5 years plus the on and off-site planting combined with the willows planted by the adjacent farmer on the east side of the main drain should have matured sufficiently that the screening provided by them will improve year on year and to such an extent that eventually the vast majority of the yard extension area should be hidden from view (at both low and elevated levels) during the growing season and partially concealed (at elevated levels) during the winter months. Headlight spillage is likely to be almost non-existent during the summer when there are leaves on the trees, and minimal in winter".*

79. The County Landscape Officer has been consulted and raised no objections to the proposal, subject to the imposition of appropriate conditions. Malvern Hills District Council raises concerns that due to the size of the yard extension it would have an adverse landscape and visual impact.

80. The NPPF is a material consideration. Its core planning principles includes recognising and taking into account the intrinsic character and beauty of the countryside.

81. Policy WCS 12 of the Worcestershire Waste Core Strategy states that *"waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals: a) contribute positively to the character and quality of the local area and protect and enhance local characteristics".*

82. Policy SWDP 21 of the South Worcestershire Development Plan states that *"all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings".* Policy SWDP 25 of the South Worcestershire Development Plan states that development proposals and their associated landscaping schemes must demonstrate a number of factors listed in the policy this includes *"that they are appropriate to, and integrate with, the character of the landscape setting".*

83. The existing Waste Transfer Station site measures approximately 1.11 hectares in area, the proposed yard extension itself would measure about 0.37 hectares (about 3,700 square metres), equating to an enlarged yard area measuring approximately 1.48 hectares in area (an increase of about 33%). Other land within the application site (about 0.15 hectares) would be subject to soft landscaping. The proposed extension area would measure a maximum of 200 metres long by 25 metres wide and would result in significant encroachment in to the open countryside, resulting in the loss of greenfield land. The proposal would also include the external

storage of inert waste material in the south-east corner of the site (ten 4 metre long by 4 metre wide by 2.4 metre high bays), together with external skip storage and car parking provision, therefore, it is considered that the proposal represents an undesirable intrusion of development into the open countryside that would be harmful to the essential rural character of the local area. It is further noted that the rationale for the proposal is due to "*the construction of the extended building would reduce the size of the yard area to such a degree that Waste Transfer operations would be inhibited greatly*". The Head of Strategic Infrastructure and Economy, therefore, questions the need for a yard extension of this scale, together with outside storage of inert waste material and empty skip storage if the rationale for the proposal is to "*simply provide sufficient circulation space for the existing activities to be conducted and to allow the construction of the building extension previously granted planning permission (Reference no. 14/000045/CM, Minute no. 907 refers)*".

84. Notwithstanding the comments of the County Landscape Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would result in the expansion of this waste management use into an area of open countryside which would be harmful to the agricultural character and appearance of the local area, contrary to a core principle of the NPPF as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies 21 and 25 of the South Worcestershire Development Plan.

Residential Amenity

85. The nearest residential properties to the application site are Grove House which is sited adjacent to the application site and about 50 metres west of the proposed extension area. A row of flats are located immediately to the west of the proposal within the commercial estate. The Willows is sited approximately 25 metres south of the application site. There are further residential properties situated along Ryall Grove, which is located about 220 metres south of the application site.

86. 1 letter of representation containing 20 signatories has been received objecting to the proposal primarily on noise and visual impact grounds, but also raises concerns regarding the management of the site and non-compliance with the extant planning permission.

87. Earls Croome Parish Council raise concerns regarding pollution and dust emissions, visual impact, compliance with permitted operating hours and recommend that a screening bund is constructed, and a condition is imposed limiting the height of any external skip storage. Ripple Parish Council also recommend the imposition of a condition controlling the height of any external skip storage or materials and welcome the proposal to screen the site's eastern boundary; however, Ripple Parish Council consider the construction of an earth bund to restrict noise and vehicle light pollution during the winter months would be more appropriate.

88. A Noise Report accompanied the planning application, which concludes that "*there is likely to be a low impact on the surrounding residents, except for the loading of sorted materials in the south-east corner of the site, which occasionally occurs once or twice a day and last for less than 10 minutes*". The Head of Strategic Infrastructure and Economy notes that the processing of waste within the Waste Transfer Station building (extant planning permissions) would not be above background noise level, but that the loading and unloading of inert waste material

externally in the south-east corner of the site would exceed background noise level by about 5 dB at the Grove House and 4dB at the Willows, and likely to have an adverse impact on local residents, but that the loading of inert materials would only take place once or twice a day and lasts for less than 10 minutes in each instance. Worcestershire Regulatory Services has been consulted on the amended Noise Assessment and raises no objections, stating that the amended Noise Assessment is satisfactory and indicates that noise from the additional activities should not have a significant impact at the nearest residential dwellings. The Head of Strategic Infrastructure and Economy notes that the original building and its extension were predicated on the basis that all unloading and loading of material would take place within the buildings.

89. Paragraph 122 of the NPPF states that *"local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively"*. Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that *"there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body"*.

90. It is noted that the Environment Agency has raised no objections, and that the existing Waste Transfer Station has an Environmental Permit regulated by the Environment Agency. The Environmental Permit control emissions to land, air (including odour, noise and dust) and water. At the time of commenting on the application the Environment Agency had not received any substantiated complaints in respect of emissions.

91. With regard to impacts to human health, Public Health England has raised no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

92. With regard to the requests from the Parish Councils for the construction of a screening bund. The Head of Strategic Infrastructure and Economy is not clear what useful function a bund would perform, given that the submitted Noise Report considers that the proposal without a bund would be acceptable and Worcestershire Regulatory Services, Public Health England and the Environment Agency have all raised no objections. Furthermore, with respect to visual screening it is considered that a bund would in itself introduce an alien feature and would appear incongruous within the local landscape, and therefore, would likely be contrary to Policy WCS 5: landfill and disposal of the Worcestershire Waste Core Strategy. Finally, it is noted that the applicant is not proposing the construction of an earth bund in this application, and all planning applications should be considered on their own merits.

93. With regard to objections raised in relation to non-compliance with the extant planning permission Ref: 14/000045/CM, in particular out of hours working, not closing the Waste Transfer Station building doors, and processing of waste externally. Members should note that compliance or otherwise with the extant planning permission should not be taken into account in the determination of this related but separate planning application. The Head of Strategic Infrastructure and Economy is fully aware of the concerns of local residents and in view of this the County Planning Monitoring and Enforcement Officer has been regularly visiting the site and will continue to monitor the site and liaise with residents, the local member and the operator to ensure compliance with the extant planning permission.

94. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions as imposed on the extant planning permission relating to operating hours; construction hours; the processing of all waste materials within the Waste Transfer Station building, except for the storage and loading and unloading of inert waste materials within the designated external storage area; all doors to the Waste Transfer Station building shall be kept closed except to allow entry and exit; plant and machinery being maintained in accordance with manufacturer's specifications; no crushing or screening of waste material shall take place on the site; a lighting scheme; limiting the height of external skip storage; a dust management plan; and the maximum throughput of the site remaining at 5,000 tonnes per annum; together with a condition limiting the height of any external inert material within the designated bays, that there would be no adverse air pollution, noise or dust impacts on residential amenity or that of human health.

95. Concerns have been raised by local residents that the Waste Transfer Station has had a detrimental impact on property values in the immediate area. The Head of Strategic Infrastructure and Economy notes their concerns, but advises Members that property values are not a relevant material consideration in the determination of this planning application.

Traffic and Highways Safety

96. The applicant states that the site currently generates about 24 HGV movements per day (12 vehicles entering the site and 12 vehicles exiting the site per day). The applicant has confirmed that there would be no increase in HGV movements as a result of the proposed development. The applicant currently has planning permission to process up to 5,000 tonnes of waste material per annum (Condition 10 of planning permission 14/000045/CM); the applicant is not proposing to amend this condition. The proposed development would incorporate 22 additional parking spaces; this includes 1 parking space for disabled users. The proposal would increase the number of employees at the site by 6 (full-time equivalent) who would be site based and required to increase the sorting capacity of the site. The application site would not be accessible by members of the public, or other waste operators.

97. The County Highways Officer has raised no objections, subject to the imposition of a condition requiring details of the construction of the access, turning area and parking facilities. They note that given the annual tonnage processed at the facility would not increase they raise no objections to the proposal on highways grounds.

98. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety, in accordance with Policy WCS 8 of the Worcestershire Waste Core Strategy and Policy SWDP 4 of the South Worcestershire Development Plan. It is also noted that the County Highways Officer raised no objections to planning permission 14/000045/CM for the extension of the Waste Transfer Station building, as the location for the approved building extension would not impact on the areas required for vehicle access, turning and parking, and no evidence has been submitted with this application to demonstrate the operation of the facility would not be feasible.

Ecology and Biodiversity

99. The application is accompanied by a Preliminary Ecological Assessment. The assessment states that the site is dominated by recently cleared ground in the west and part of a wider arable field in the east. Hedgerows border parts of the northern and southern site boundaries. The assessment concluded that no protected species or habitats would be adversely affected by the proposed yard extension, as well as making recommendations to ensure compliance with wildlife legislation.

100. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to the Smithmoor Common and Meadows Local Wildlife Site (LWS) and River Severn LWS and has raised no objections, deferring to the opinion of the County Ecologist for detailed on site biodiversity issues. The County Ecologist has no objections, subject to the imposition of conditions to secure the measures recommended in the Preliminary Ecological Appraisal, which include: details of planting specifications; timing of vegetation clearance, bird boxes, protection of retained trees, and an updated ecological assessment should works not commence within a specified timescale.

101. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by the County Ecologist, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

The Water Environment

102. Policy WCS 10 of the Worcestershire Waste Core Strategy states that proposals will be permitted where unacceptable adverse flood risk impacts have been mitigated to ensure safety and water quality. Policy SWDP 28 of the South Worcestershire Development Plan indicates that development must manage surface water through Sustainable Drainage Systems (SuDS).

103. The application site falls within Flood Zone 1 which has a low probability of flood risk. The proposed yard extension would increase the impermeable area from 1.11ha to 1.48ha. The existing drainage ditch would be relocated further east. A new drainage pond and two underground tanks are proposed for drainage control, together with the construction of a permeable car parking area.

104. As the combined site area of the existing and proposed extension area exceeds 1 hectare in area, a Flood Risk Assessment was submitted in support of the planning application. The Flood Risk Assessment concludes that *"the main potential source of fluvial flooding is the small ditch along the eastern boundary but*

this is 1 metre below the site and the risk of flooding is considered to be low and there are no known records of any historical flooding at the site".

105. The Lead Local Flood Authority has been consulted and has raised no objections, deferring to the opinion of South Worcestershire Land Drainage Partnership for all detailed matters relating to surface water management. South Worcestershire Land Drainage Partnership has no objections, subject to a condition securing an implementation and maintenance plan for the Sustainable Drainage System (SuDS). Severn Trent Water has also raised no objections to the proposal, subject to a condition requiring a scheme for the disposal of foul and surface water. Severn Trent Water also has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

106. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that there would be no adverse effects on the water environment and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy and Policy SWDP 28 of the South Worcestershire Development Plan.

Other matters

Economic Impact

107. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

108. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"* and paragraph 28 states that *"planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development"*.

109. The applicant currently employs a total of 18 full-time employees, should this planning application be granted a further 6 employees (full-time equivalent) would be required. By securing existing jobs and creating new opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

Conclusion

110. The applicant is seeking permission for a proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard. The rationale for the proposal is to facilitate the construction of the approved Waste Transfer Station building (building (Reference no. 14/000045/CM, Minute no. 907 refers), as the applicant states that *"it has become apparent that its construction*

would have the effect of reducing the working yard area to a degree that it would inhibit the circulation and operational activities".

111. The Head of Strategic Infrastructure and Economy considers that as the proposed development would involve the bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators it would comply with the objectives of the waste hierarchy.

112. The proposed yard extension would be located in an existing agricultural field adjacent to a small commercial estate. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses and identifies greenfield land as not being a compatible land use. There is no evidence submitted with the application as to why the proposal has to be sited on greenfield land and to whether the applicant has considered siting the proposed development on land set out as compatible in Policy WCS 6. As a result, the proposed development is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy.

113. Based on the advice of Worcestershire Regulatory Services, Public Health England and the Environment Agency, it is considered that the proposal would be acceptable in respect to air pollution, noise, dust impacts on residential amenity and that of human health, subject to the imposition of appropriate conditions as imposed on the extant planning permission together with a condition limiting the height of any external inert material within the designated bays.

114. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety, however, it is also noted that the County Highways Officer raised no objections to planning permission 14/000045/CM for the extension of the Waste Transfer Station building, as the location for the approved building extension would not impact on the areas required for vehicle access, turning and parking, and no evidence has been submitted with this application to demonstrate the operation of the facility would not be feasible.

115. The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by the County Ecologist and South Worcestershire Land Drainage Partnership, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area or that of the water environment.

116. It is noted that the NPPF affords significant weight to economic growth. By securing existing jobs and creating new opportunities, the proposal would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provides these social and economic benefits, it is considered that the proposal would accord with the aims of the NPPF.

117. On balance, it is considered that permitting the proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn Worcestershire would be unacceptable in the proposed location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy; and would have an unacceptable impact upon the open countryside

contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies 21 and 25 of the South Worcestershire Development Plan.

Recommendation

118. The Head of Strategic Infrastructure and Economy recommends that planning permission be refused for the proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn, Worcestershire, for the following reasons:

- a) **The proposal is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy; and**
- b) **The proposal is considered to have an unacceptable impact upon the open countryside contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies 21 and 25 of the South Worcestershire Development Plan.**

Contact Points

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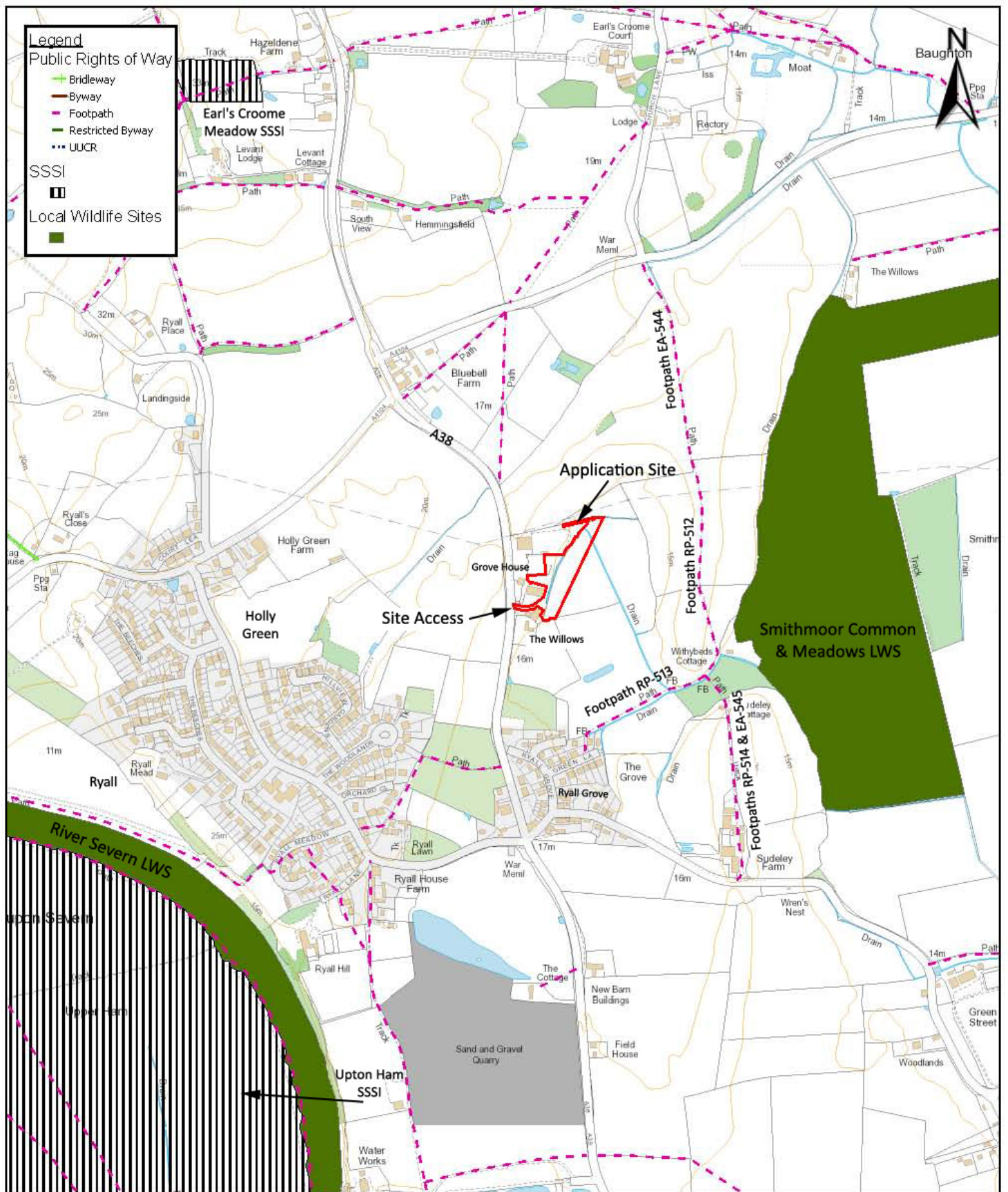
Supporting Information

Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 16/000002/CM.

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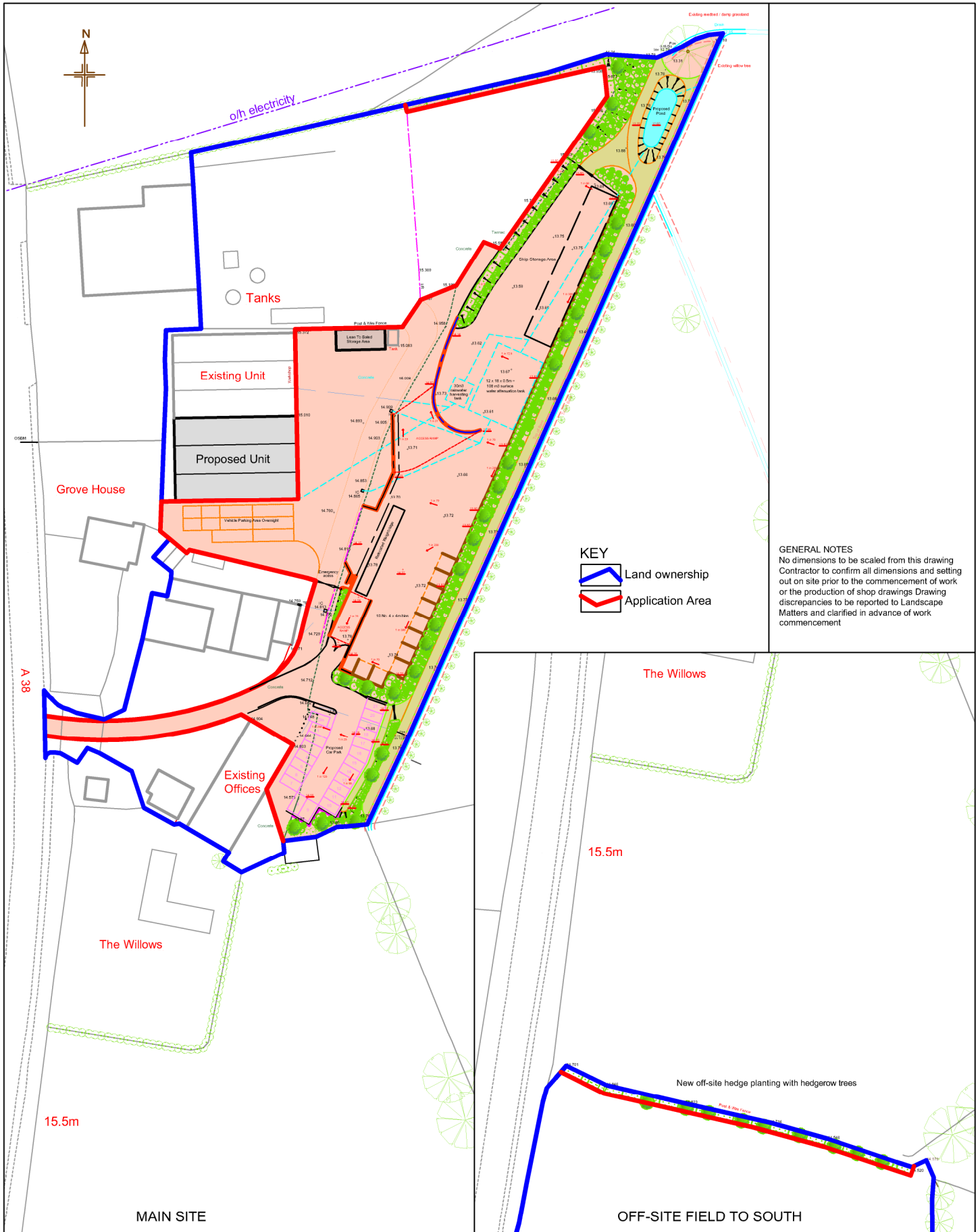
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Proposed extension of yard associated with existing Waste Transfer Station at Grove House, Tewkesbury Road, Upton-upon-Severn, Worcestershire
 Ref: 16/000002/CM

 **worcestershire**
 county council

Worcestershire County Council
 County Hall
 Spetchley Road
 Worcester
 WR5 2NP


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KEY
 Land ownership
 Application Area

GENERAL NOTES
 No dimensions to be scaled from this drawing
 Contractor to confirm all dimensions and setting
 out on site prior to the commencement of work
 or the production of shop drawings Drawing
 discrepancies to be reported to Landscape
 Matters and clarified in advance of work
 commencement

CLIENT Dynamic Construction Ltd
SCHEME Grove House Business Park Waste Transfer Extension
TITLE Ownership & Application Area Plan



LANDSCAPE DESIGN AND MANAGEMENT CONSULTANTS
 GLENDALE, SANDHILLS GREEN, ALVECHURCH, BIRMINGHAM, B48 7BT
 TEL / FAX : 0121 4455992

Rev	Revisions	By/Date	Chk/d/Date
A	Off-site field added	da/22.02.16	da/22.02.16

Date 19.02.16	Scale 1 : 1250 @ A4	Drawn/Date dma / 19.02.16	Chk/d/Date dma / 19.02.16
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**PLANNING AND REGULATORY COMMITTEE
20 SEPTEMBER 2016****PROPOSED NEW TWO-FORM ENTRY FIRST SCHOOL WITH
ASSOCIATED EXTERNAL AREAS INCLUDING ACCESS
ROAD, HARD PLAY, GRASS PITCHES, FOREST SCHOOLS
AREA, AND PARKING ON LAND AT BROCKHILL EAST,
ADJACENT TO LOWAN'S HILL FARM, REDDITCH,
WORCESTERSHIRE**

Applicant

Worcestershire County Council

Local Member(s)

Mr G J Vickery and Mr R C Lunn (Shared)

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for a new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire.

Background

2. The existing Holyoakes Field First School located off Bridge Street in Redditch suffers multiple issues and has a very limited site area, which is unsuitable for expansion as logged in Worcestershire County Council's own Suitability Assessment (2015) and Condition Survey (2012/2013), making it a candidate for replacement on a new site, which is the applicant's preferred option. Suitability issues recorded include an undersized school hall (which is also used as a thoroughfare), undersized classrooms, poor ventilation, location of the toilets, lack of Physical Education (PE) storage, low ceilings, rainwater getting in through windows, and problems with parking and drop-off. Condition issues include the need to repair / replace softwood windows, spalling brickwork, and dampness to walls in the dining hall.

3. The assessed capacity of the current Holyoakes Field First School building is 195 pupils plus a nursery class. The applicant states that the school has been creative and flexible in the use of its practical and support spaces and has stretched this capacity to 240, but this is the absolute maximum number of pupils that could be accommodated within the current building. The current number of pupils on roll (excluding the nursery) is 228. This is expected to increase to about 237 by 2019 without the impact of housing growth being taken into account.

4. The average pupil yield in Worcestershire is calculated from 2011 Census data as 2.8 children per year group per 100 dwellings. Phase 2 of the Persimmon Homes mixed-use development at Brockhill (District Ref: 2014/256/OUT) is for up to 296 dwellings, therefore, this housing development would likely result in 40 additional pupils that would fall within Holyoakes Fields First School's catchment area. Subsequent phases, if granted planning permission would result in further growth in pupil numbers in the school's catchment area.

5. Consequently, the applicant is applying for planning permission for a new two-form entry first school (nursery, reception classes, plus years 1 to 4), giving a total of 300 pupil places excluding the nursery. The applicant has confirmed that the project is being funded through developer contributions, sale of the existing school site, and a capital contribution from Worcestershire County Council.

The Proposal

6. Worcestershire County Council is seeking planning permission for a proposed new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch. The proposed new school will replace and provide a new home for Holyoakes Field First School, as well as providing additional pupil capacity for the developing Brockhill East housing estate.

7. The proposed school building would measure approximately 1,990 square metres gross internal floorspace. The buildings would include the following:

- Nursery and associated external covered play area, two Reception classrooms, four Key Stage 1 classrooms, four Key Stage 2 classrooms, all with associated cloak areas, classroom stores, practical areas, and toilets
- Learning Resource area / Library, Food Technology / Science/ Design Technology room, and studio spaces in a central location
- Small group rooms
- Multi-purpose main school hall, with associated stores (including community store)
- Catering kitchen and stores
- Administration area, with main office, Head Teacher's office, senior manager's office, business manager's office, staff room and staff work room
- Basement plant space, including central boilers and sprinkler tank space, and
- A central courtyard.

8. The proposed school building would be a backwards L-Shape with the longest stem of the building measuring about 100 metres long by about 20 metres wide, with the shorter stem of the building measuring about 43 metres long by 20 metres wide. The school building would predominately measure about 6 metres high, with the school hall measuring about 10 metres high, albeit due to the topography of the site the school hall would appear as a similar height to that of the school building. The proposed school building layout would consist of a main block of linked 'pavilions' containing the classrooms which would run along a contour line, which would reduce the need for cut and fill groundworks. The hall space and associated kitchen and stores are at a lower level. A central, glazed linking block with a sedum green roof,

at the upper level containing the school's main entrance, offices and platform lift and steps down to the lower level containing the school hall. The applicant states that the new school hall would be situated so that it is easily zoned in the building for community hire out of hours use.

9. With regard to access for disabled users, access to the main school building entrance from the car park area would be via ramped paths of 1 in 20 slope or less. This entrance would have motorised doors and level access, and a reception hatch to the school office within a secure lobby. Once inside the building, access between the two main levels within the school building (hall/entrance and the classroom block) would be via platform lift or stairs. Two accessible toilets are proposed within school, which also includes a Bathroom Management Area (BMA) for use by pupils who require assisted toileting.

10. Other parts of the site (hard play areas, grass pitch) will also be accessed via ramped paths of 1 in 20 slopes or less, as well as separate stepped access.

11. The main facades of the building would be clad in a brick rainscreen cladding (colour to be agreed through a planning condition). Other areas of the building, in particular the northern section of the building (which is identified for possible future building extensions), part of the school hall and the nursery to be located in the south-east corner of the building would be clad in western red cedar cladding, which would weather to a silver grey colour. The windows and doors would be aluminium powder coated (colour to be imposed as a condition). The main school building roof would be zinc standing seam roofing, or similar standing seam roofing. The link block roof would be a green roof planted with sedum.

12. The proposal includes the provision of 34 car parking spaces for staff and visitors, which includes 2 spaces for disabled users. The proposal also includes the storage of about 30 cycles (1 per 10 pupils) and 2 motorcycle space and 1 minibus parking space. The sloping nature of the site requires that the areas of parking are created by cut and fill groundworks linked by ramped areas between differing levels. Vehicular access to the site would be from Cookridge Close, which would be extended northwards from its existing turning head. It is understood that these works would be carried out by Persimmon Homes Ltd. Provision would also be made at the end of this road extension for a coach to be able to turn, until such time as the road is extended further into the later phases of the Brockhill East housing estate (should planning permission be granted by the District Council). The road extension from Cookridge Close would also be used to provide construction access to the proposal, and the applicant envisages that the contractor's compound would be situated on the area designated for the school's car park. Separate access for pedestrians would also be provided from the south off Cookridge Close.

13. The proposed new school development also includes the laying out of two new playing pitches, together with the provision of two new hard play areas for Key Stage 1 and Key Stage 2; and outside play areas for the Nursery and Reception classes. A Forest Schools area is proposed in the northern part of the site, with an extensive Sustainable Drainage System (SuDS), particularly focused around the western boundary of the site. A turfed amphitheatre that would be used for outdoor gatherings would be located in the centre of the site behind the school hall.

14. The applicant anticipates the new school would employ about 34 full-time equivalent number of full-time staff (about 29 full-time and 10 part-time). The proposed school would be able to accommodate about 300 pupils, plus a 26 place nursery.

15. Whilst not included in this application, the applicant has also considered options for future expansion of the school. The northern end of the school building has been identified for possible expansion into a proposed grassed amenity area. Car parking could also be extended further northwards off the main school site road, with a further 9 spaces identified.

The Site

16. The application site, which measure approximately 2.4 hectares in area is located on the north-western edge of Redditch, immediately to the north of the recently constructed residential development of Brockhill East Phase 1 (District Ref: 2011/177/OUT), adjacent to the northern and western boundaries of Lowan's Hill Farm, an historic courtyard farmstead. The existing Holyoakes Field First is located about 950 metres south-east of the application site.

17. The application site encompasses agricultural fields, which are bound to the north, east and west by further agricultural fields and to the south by Lowan's Hill Farm and the recently constructed Brockhill East Phase 1 residential development (mixed-use development of 171 dwellings, public open space and outline application for 4,738 square metres of Class B1 (Business) floorspace and access, District Ref: 2011/177/OUT), beyond which is a small brook known as Red Ditch, which also skirts around the western side of the site. A further application for Phase 2 of Brockhill East for an outline planning application. No matters are reserved for the residential element. In terms of the B1 element, all matters, except for access, are reserved for later consideration. Mixed use development of 296 dwellings, play area, Community House and public open space and outline application for up to 3,100 square metres of Class B1 (Business) floorspace and access (District Ref: 2014/256/OUT) is pending consideration, awaiting the satisfactory completion of a Section 106 Planning Obligation. The site slopes approximately 10 metres from the north-east to the south-west.

18. The majority of the application site is currently located within the West Midlands Green Belt, with Lowan's Hill Farm located outside of the Green Belt, forming the southern boundary of the Green Belt.

19. Dagnell End Meadow Site of Special Scientific Interest (SSSI) is located about 1.7 kilometres east of the application site. Brockhill Wood Local Wildlife Site (LWS) and Butler's Hill Wood LWS are situated approximately 425 metres west and 850 metres north-west of the proposal, respectively. The River Arrow LWS and Abbey Forge and Mill Pond LWS are located about 840 metres and 1 kilometre east of the application site, respectively. The historic park and garden of Hewell Grange is located about 1.5 kilometres west of the proposed development.

20. National Grid's high pressure gas pipeline is located about 115 metres north of the application site and Health and Safety Executive's Major Accident Hazard Pipeline zone that buffers this pipeline is located about 65 metres north of the

application site. Western Power Distribution's overhead powerlines are located approximately 30 metres east of the proposed development.

21. The nearest existing residential properties to the proposed development are those situated along Cookridge Close located about 100 metres south of the proposal and about 20 metres from the application site (red line boundary). Further residential properties are located beyond Cookridge Close, situated along Fairweather Close, Gretton Close, Dovecote Close and Elrington Close. Lowan's Hill Farm situated immediately to the south of the proposal has planning permission from Redditch Borough Council for the reconstruction of the farmhouse and conversion into two dwellings, together with the conversion of the existing adjacent barns to create five dwellings and erection of a garage and stores (District Ref: 2014/210/FUL). Further residential properties are situated along Plumstead Close, Robins Lane, and Wheelers Lane, about 110 metres south-west of the application site.

Summary of Issues

22. The main issues in the determination of this application are the impacts of the proposed development upon the Green Belt, character and appearance of the local area; residential amenity; playing field provision; the water environment; ecology and biodiversity; and that of traffic and highway safety.

Planning Policy

National Planning Policy Framework (NPPF)

23. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

24. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

25. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

26. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:

- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 9: Protecting Green Belt land
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

The Development Plan

27. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Borough of Redditch Local Plan No. 3.

28. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

29. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Borough of Redditch Local Plan No. 3

Policy CS.1 Prudent Use of Natural Resources

Policy CS.2 Care for the Environment

Policy CS.7 The Sustainable Location of Development

Policy CS.8 Landscape Character

Policy S.1 Designing Out Crime

Policy B(BE).13 Qualities of Good Design

Policy B(BE).19 Green Architecture

Policy B(NE).1 Overarching Policy of Intent

Policy B(NE).1a Trees, Woodland and Hedgerows

Policy B(NE).3 Wildlife Corridors

Policy B(NE).10b Sites of Regional or Local Wildlife Importance

Policy L.1 Children's Day Nurseries

Policy B(RA).1 Detailed Extent of and Control of Development in the Green Belt

Policy C(CF).1 Community Facilities

Policy C(T).12 Parking Standards

Policy R.1 Primarily Open Space

Policy R.5 Playing Pitch Provision

Draft Borough of Redditch Local Plan No. 4

30. The Borough of Redditch Local Plan No.4 (BORLP4) will outline the strategic planning policy framework for guiding development in the Borough of Redditch up to 2030. It will set a long-term spatial vision and will include strategic objectives, a spatial strategy, core policies, strategic and non-strategic site allocations, and a monitoring and implementation framework. The Plan includes the Redditch Cross Boundary Development Policy (Policy RCBD1), which also appears in the Draft Bromsgrove District Plan.

31. Redditch Borough Council submitted the Draft BORLP4 to the Secretary of State for independent examination in March 2014. The Secretary of State has appointed an independent Inspector (Mr Michael J Hetherington) to undertake an independent examination into the soundness of the plan. BORLP4 and the Draft Bromsgrove District Plan examinations are being held concurrently and have included several joint hearing sessions as well as separate hearing sessions relating to each Local Plan. Hearing sessions commenced June 2014 and ran until March 2016.

32. The Inspector has now published a list of proposed Main Modifications to the submitted BORLP4 which he considers are required to make the plan sound. The Inspector's proposed Main Modifications are published for an eight week consultation from 27 July to 21 September 2016. The Inspector is inviting comments on the proposed Main Modifications as part of the examination into the Draft Bromsgrove District Plan and BORLP4. The Inspector will take account of all representations relating to the Modifications before publishing his final report to the Councils.

33. The Examination formally remains open until the Inspector issues his binding report and it is possible that further hearings could be held if the Inspector chooses to do so. In the circumstances the BORLP4 cannot yet be declared sound and cannot be adopted. It is not yet, therefore, part of the development plan. However, having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Strategic Infrastructure and Economy, that whilst full weight cannot be attached to the BORLP4, significant weight should be attached to the BORLP4 in the determination of this application. The draft BORLP4 policies that are relevant to the proposal are listed below:-

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 2 Settlement Hierarchy
- Policy 3 Development Strategy
- Policy 5 Effective and Efficient Use of Land
- Policy 8 Green Belt
- Policy 11 Green Infrastructure
- Policy 13 Primarily Open Space
- Policy 15 Climate Change
- Policy 16 Natural Environment
- Policy 17 Flood Risk Management
- Policy 18 Sustainable water Management
- Policy 19 Sustainable Travel and Accessibility
- Policy 20 Transport Requirements for New Development
- Policy 36 Historic Environment
- Policy 37 Historic Buildings and Structures

Policy 39 Built Environment
Policy 40 High Quality Design and Safer Communities
Policy 46 Brockhill East

Consultations

34. **Redditch Borough Council** is generally supportive of the proposal stating that the design layout and appearance is supported given the proposal's location on a slope and related views; they require adequate parking for staff and visitors to reduce the impact on local roads; and would like to see drop-off and collection points for the school, as reality is that people would arrive in cars despite the provision of pedestrian routes and cycle facilities.

35. **Worcestershire Regulatory Services (Air Quality)** has no objections subject to the imposition of conditions requiring the installation of an Ultra-Low Nitrogen Oxide (NOx) boiler and implementation of the School Travel Plan.

36. In response to the applicant confirming that they have concerns that the boilers with the lower rate emissions at 40 mg/kWh do not have the longevity desirable for schools, Worcestershire Regulatory Services commented that they understood that sometimes there are difficulties in meeting the requirements of a recommendation or even trying to enforce certain conditions, therefore, they do not object if the requirements in this case for low NOx boilers was removed as the application is not in or adjacent to an Air Quality Management Area (AQMA).

37. **Worcestershire Regulatory Services (Contaminated Land)** has no objections, subject to conditions requiring a tiered contaminated land investigation. They state that site investigations to date suggest that contamination may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, the above conditions are recommended.

38. **Worcestershire Regulatory Services (Noise and Lighting)** has no objections, stating that the applicant should be directed to the Worcestershire Regulatory Services' Code of Best Practice for Demolition and Construction Sites.

39. **Natural England** has no objections, stating that this application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

40. **The County Ecologist** has no objections, subject to the imposition of conditions regarding protection of retained trees; a Construction Environmental Management Plan (CEMP) for biodiversity; an Ecological Management Plan (EMP); implementation of Sustainable Drainage Scheme (SuDS); and installation of the lighting as proposed.

41. **Worcestershire Wildlife Trust** has no objections and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

42. **The County Landscape Officer** has no objections, and welcomes the proposed hedgerow planting in terms of providing the capacity for Green Infrastructure (GI) connectivity across the site that should link with those proposed

for the wider residential development. Buffering the adjacent Lowan's Hill Farm is important in terms of maintaining the farmstead's visual presence within the evolving landscape. The Farm's prominent position makes it a landmark that should continue to be a focal point as the urban extension develops. Screening should not, in this case, be overly dense with filtered views connecting the school, farmstead and rural land to the south.

43. **The County Highways Officer** has no objections, subject to the imposition of conditions regarding the access, turning areas and parking and a travel plan.

44. They note concerns from local residents regarding potential future congestion issues associated with parents driving to the school and the request to include a specific vehicle drop off facility within the proposals to alleviate these issues. They also note that Redditch Borough Council also support the inclusion of drop off and collection points. This issue is also discussed within the submitted Transport Assessment. Provision of such a facility is not supported by the County Highway Authority, as it sends a clear message that driving is encouraged. It is important that walking links to the school are suitable and follow desire lines to make it more attractive to walk.

45. In order to improve sustainable access to the site from the residential areas to the south a suitable pedestrian crossing point should be provided on Hewell Road. The type of crossing facility should be agreed with the County Highway Authority. The introduction of dropped kerbs to facilitate ease of crossing should also be provided in line with the recommendations within the Transport Assessment.

46. They comment that the new school is proposed within an area identified within the emerging Redditch Local Plan No.4 for 1,000 dwellings. At present only 185 dwellings are on site with permission for a further 299 dwellings approved earlier this year.

47. **The County Travel Plan Co-Ordinator** raises concerns due to the proposal to build a school in a cul-de-sac location, stating that the area for turning around in is not feasible. Worcestershire County Council's policy within the Local Transport Plan 3 states that there must not be drop-off zones at schools as this facilitates and encourages car use. The proposed bays are effectively a drop-off zone and should be refused. Should planning permission be granted they recommend the imposition of a condition requiring a Travel Plan; and the installation of a minimum of 12 scooter parking spaces. They also state that pedestrian routes must link to existing residential sites; and that the pedestrian crossing is essential on Hewell Road.

48. **The County Archaeologist** has no objections, subject to the imposition of conditions requiring a programme of archaeological works. The Worcestershire Historic Environment Record (HER) has recorded heritage assets within the vicinity of the proposed development including an Iron Age settlement uncovered during the Brockhill East Phase 1 residential development to the south. Given the scale of the proposal and the anticipated archaeological potential the likely impact on the historic environment may be offset by the implementation of a conditional programme of archaeological works.

49. **North Worcestershire Water Management** has no objections and considers that the submitted drainage scheme is comprehensive, therefore, no conditions are

recommended. Notwithstanding this, they make the following minor suggestions for the applicant to consider:

- It may be favourable from a water quality perspective to direct the discharge from the subbase of paving area 12 into basin M rather than directly into basin W to allow an extra treatment stage for run-off coming from this area of the car park
- From a visual amenity point of view, a swale rather than a ditchline may be more appealing method to provide an outlet for the sites run-off to the nearby water course
- Where the drainage outlet from the site joins the existing ditchline the connection should be made at an acute angle to reduce the potential for scour to occur
- The description of the maintenance is noted, but it is recommended that some specific details around maintenance intervals are provided to the future site operators so that this can be kept as future guidance.

50. **The Lead Local Flood Authority** has no objections and wishes to defer to the opinion of North Worcestershire Water Management for all detailed comments regarding surface water drainage.

51. **Severn Trent Water Limited** has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

52. **Sport England** wishes to make no comments on this application, stating that the proposed development is not considered to fall either within their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Practice Guidance Paragraph Ref. ID: 37-003-20140306) upon which they would wish to comment, therefore, Sport England does not wish to provide a detailed response to this application.

53. They refer the County Planning Authority to their website for general guidance and advice and state that if the proposal involves the provision of a new sports facility then consideration should be given to the recommendations and priorities set out in any approved Redditch Borough Council Playing Pitch Strategy or Built Sports Facility Strategy. In addition, such facilities, to ensure they are fit for purpose, should be designed in accordance with Sport England, or the relevant National Governing Body design guidance notes.

54. **Hereford & Worcester Fire and Rescue Service** has made no comments.

55. **West Mercia Police** has no objections to the proposal.

56. **National Grid** comments that Distribution High Pressure Pipeline Ref: WM1213 is located to the north of the proposal. This pipeline is part of National Grid's transportation system and operates at a Pressure of 14 bar. The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within 14 metres of the pipeline and recommends easement width of

about 12.2 metres. National Grid strongly advises that the County Planning Authority seek the advice of the Health and Safety Executive and the land use planning document (PADHI).

57. The applicant should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

58. **Western Power Distribution** has made no comments.

59. **County Public Health (Health Improvement Practitioner)** has no objections, and welcomes the submission of a Health Impact Assessment, which accompanied the planning application and considered the positive, negative and neutral impacts of the proposal. They are pleased to note the proposal would create healthy diet opportunities through the provision of a production kitchen serving healthy meals and providing healthy eating education for the pupils through the development of vegetable gardens outside the classrooms. Additionally, the school would support physical activity objectives by encouraging walking and cycling to school through the connectivity of traffic free routes within the Brockhill East residential development, and by having the access point into the school site for cyclists and pedestrians separated from the vehicle entrance. They are also pleased that the school grounds and spaces within the school buildings would be offered for hire to the wider community which could provide additional means for supporting social cohesion.

60. **The County Sustainability Officer** has made no comments.

Other Representations

61. The applicant held a public consultation event at the Holyoakes Field First School on 13 April 2016. Local residents, school staff, pupils and governors of the school were invited to the event. Approximately 44 residents, 13 staff, 2 local councillors and 15 parents / governors attended the event. Comments forms were available at the meeting and 15 were submitted. The comments were generally supportive of a new school, but raised concerns regarding additional traffic on Cookridge Close and the surrounding roads, the school drop-off and pick-up times, the width of or lack pavements locally, parking issues on roads, access for emergency vehicles where roads are narrowed by parking, drop-off parking blocking home owners' spaces, and noise from the building works and the school.

62. The application has been advertised in the press, on site, and by neighbour notification. To date 5 letters of representation objecting to the proposal have been received, together with 1 letter of representation not objecting to this proposal, but objecting to any future development on the existing Holyoakes Field First School site and raising concerns about not being invited to the applicant's public consultation event. The letters of representation are available in the Members' Support Unit. The main comments are summarised below:-

- Traffic and highway safety
 - The submitted Transport Statement raises concerns regarding the current size of the existing road and its suitability for the volume of traffic the school would generate. The road can already become congested due to residents parking on the road (Cookridge Close) due to restricted off road parking. Visibility is

- restricted due to the winding nature of the road when cars are parked along it, therefore, increasing the risk of accidents
- If coaches are to travel up Cookridge Close, this would likely result in cars parking partly on the pavement in order to protect their cars. This would result in the already narrow pavements being obstructed
 - The majority of dwellings along Cookridge Close have four bedrooms and so the likelihood of children growing up here and then possessing vehicles would result in significant parking issues along Cookridge Close and, therefore, it would not be sustainable to have this road acting as a link between what would become a sprawling estate and leading to a large first school. They note it would not be possible to increase the size of the road due to the extensive engineering works that would be required
 - Suggest that the only access road to the school for larger vehicles (Coaches, Delivery Vehicles) is from the Weights Lane. A weight restriction should be imposed on Cookridge Close to enforce this principle
 - The narrow pavement (of which there is only one footway along Cookridge Close), crossing driveways and small roads junctions together with the steep hill would put parents and pupils off from walking to school
 - The suggestion that a formal footpath be introduced to enable people to make use of the footpath from Oversley Close across the public open space should be taken up and made a formal planning requirement.
 - Suggest that a turning circle and parent drop-off area as recommended in the Transport Statement is made a formal planning requirement. A turning circle / parent drop-off area was illustrated in the emerging Redditch Local Plan 4 which a local resident consulted prior to purchasing their home
 - Signage should be installed to discourage parents from blocking local residents' driveways through inconsiderate parking
 - It should be a planning requirements that the parking restriction zig-zag lines extend past the current turning head, so as to make crossing the junction safe for pupils
 - Agree with all the recommendation of the submitted Transport Statement and consider they should be implemented
 - The area of block paving outside 22 to 26 Cookridge Close is a private drive for which residents are individually responsible for maintaining. Signage should be installed to highlight this and prevent inconsiderate parking
 - Consider that the vehicle movements to and from the school would be far higher than is predicted in the Transport Statement
 - There are no traffic calming measures on the main part of Cookridge Close apart from a ten mile per hour sign which cars ignore. A speed bump would help reduce speed as 'traffic speed' increases risk accidents to pupils. Double yellow marking lines would also help prevent vehicles parking indiscriminately
 - The application submission suggests that the form start times be staggered to minimise congestion which appears to be expected, although in practice it is unclear if this is at all feasible for the school
 - Cookridge Close will be the main access point, as other road connections are not planned for a few years. There is no explanation within the application as to why these are not being implemented at the same time
 - Staff at the school commented that the school would not only be busy in the daytime but also on an evening and in the holidays as it will be "a busy and active" school with extra-curricular activities. The proposals will have a significant impact on traffic flow and residents will be inconvenienced if cars

take up residents' parking spaces outside their homes on Cookridge Close or the surrounding streets

- Concerns regarding construction traffic and how this would be managed
- The suggested solutions to overcome safety concerns outside of the immediate school; such as zig zag lines would only displace this indiscriminate parking to further across the estate, such as further along Cookridge Close, Fairweather Close and Gretton Close
- Gretton Close has soft verges and operates a shared space policy. The communal soft verges have a management fee attached for which each household must pay yearly. The maintenance fee covers all green space and soft verges on the estate. Are residents expected to pay for the maintenance of verges that non-residents will park on?
- Suggest a solution to the traffic and parking issues would be to extend the access road past the entrance to the school car park to further follow the perimeter of the school plot

Noise

- No information has been submitted in respect to noise impacts from the school
- Concerns regarding construction noise and how this would be managed

Litter

- Concerns regarding litter from pupils walking to and from school as there are no bins situated along Cookridge Close

Health and safety

- The adjacent farm ruins present a health and safety risk
- There is reference in the application submission to the stream along the Red Ditch, which fluctuates with rainfall although at the time of the Flood Risk Assessment the ditch was dry. A local resident has witnessed a deluge of water following heavy spells of rainfall which potentially could present a risk to pupils who may explore this area

Design

- One local resident comments that the design of the school is 'stunning' and has all the features that a modern school should have. They are sure that the new school would become a huge asset to the area; however, it is important that a new school in this location does not affect their quality of life and enjoyment of their home.

The Head of Strategic Infrastructure and Economy's Comments

Green Belt

63. The NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking, which means approving proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or
- specific policies in the NPPF indicate development should be restricted.

64. In this case the proposal is wholly located within the West Midlands Green Belt; footnote 9 to the NPPF indicates that policies related to this designation restrict development; and therefore, by virtue of footnote 9, the presumption in favour of sustainable development does not apply within Green Belt areas.

65. The introduction to Section 9 of the NPPF states that "*the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

66. The NPPF considers that the construction of new buildings is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, there are a number of exceptions in paragraphs 89 and 90 of the NPPF, which are considered to be appropriate forms of development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

67. The proposal would reduce the openness of the Green Belt in as much as development would be present where it did not exist before. It would substantially encroach into the countryside, and therefore, would conflict with one of the purposes of including land within the Green Belt.

68. The proposal does not fall within the categories of development set out in Paragraphs 89 and 90 of the NPPF, and Policy B(RA).1 of the Borough of Redditch Local Plan No. 3. Consequently, the proposed development would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

69. The NPPF goes on to state that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*". As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

70. The Head of Strategic Infrastructure and Economy acknowledges that the Draft Borough of Redditch Local Plan No.4, Policy 46 'Brockhill East' identifies Brockhill East, which encompasses the application site as a Strategic Site. Strategic Sites are those sites, which are considered central to the achievement of the Draft Local Plan's Vision and Objectives. The supporting text to Draft Policy 46 states that this site *"is ideally located to support a significant amount of Redditch's housing, employment and associated community facilities alongside adjacent development across the Redditch Borough boundary in Bromsgrove District"*.

71. *"The Brockhill East Strategic Site was previously designated as a combination of Area of Development Restraint (ADR), Green Belt and an employment site (IN67). Redditch's housing requirements and the limited locations for development within Redditch's urban area necessitate that exceptional circumstances exist to remove land from the Green Belt to form part of this Strategic Site for development. Furthermore, release of the land for housing development enables the former IN67 employment site to be delivered for employment development concurrently, as this is more feasible than delivery of employment development alone. A mixed use approach, including the delivery of live/work units in this location is required to create a more vibrant place. Live/ work units are suitable here due to the sustainable location"*.

72. Draft Policy 46 states that *"a Strategic Site at Brockhill East is appropriate for a high quality mixed use development comprising around 1,025 dwellings, employment (8.45ha) and relevant community facilities and services including, a District Centre (including convenience retail store) , a first school and a sustainable public transport network"*. The Draft Policy goes on to list a number of principles that the development of the Brockhill East Strategic Site should include. This includes to *"deliver a school capable of use as a community facility, including playing pitches"*.

73. The supporting text to Draft Policy 46 goes onto state that *"the delivery of a first school is required in the north Redditch area, this need must be met in an appropriate location (the most appropriate location may be cross-boundary in Bromsgrove District). The school should also be capable to use as a community facility"*.

74. The Head of Strategic Infrastructure and Economy notes that the Borough of Redditch Local Plan No.4 is not yet adopted, and therefore, is not part of the development plan. However, it is at an advanced stage and having regard to the advice in the NPPF, Annex 1, it is considered that substantial weight can be attached to the Borough of Redditch Local Plan No.4 in the determination of this application.

75. The applicant considers that in this instance Very Special Circumstances exist, stating that *"a search for suitable sites has looked sequentially for a new school. The school's catchment area lies within a built-up area where the only available sites for a two to three form entry first school within the catchment that it serves are those on the edge of the current development and within the Green Belt. All other space within the catchment is predominantly used for housing, other schools, industry, allotments or public open space. The proposed site is, however, the most suitable location for a new school forming a hub for a planned new community at Brockhill East. The site for the new school has been established for some time in the masterplan designs by Persimmon Homes for the later phases of the Brockhill East"*

housing development. This concept places the new school physically at the heart of that emerging community, and the development of new family housing in the first two phases is already creating demand for pupil places beyond the capacity of the existing school.

76. *The capacity and suitability of the existing site and buildings mean that it is not possible for the school to continue on its present site. The buildings are over 100 years old, of heavy masonry construction, and do not lend themselves to adaptation. Many classrooms are undersized, the school hall is too small and is used as part of the circulation, and for instance, the very high window sills in the classrooms mean that children cannot see out. The current site on Bridge Street is itself very restricted, so there is no space to extend or redevelop. This means that for both the current pupils and for the expanded capacity required for the school, a new site suitably situated within the new housing area of Brockhill East is felt to be the best solution".*

77. The Head of Economy and Infrastructure considers that due to the need to replace the existing Holyoakes Field First School, as a result of the anticipated growth in pupil numbers and the condition of the existing school and lack of space to develop on the existing school site, together with the limited number of sites available within the School Catchment Area, it is considered that Very Special Circumstances have been demonstrated in the provision of a new school that would outweigh the harm to the Green Belt.

78. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposed new school would create about 1,990 square metres of floorspace if this Committee is minded to approve the application, this Council must consult the Secretary of State for Communities and Local Government. The Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.

Visual Impact and Residential Amenity

79. The nearest existing residential properties to the proposed school are those situated along Cookridge Close located about 100 metres south of the proposal, with further residential properties beyond. Lowan's Hill Farm situated immediately to the south of the proposal has planning permission from Redditch Borough Council for the reconstruction of the farmhouse and conversion into two dwellings, together with the conversion of the existing adjacent barns to create five dwellings and erection of a garage and stores (District Ref: 2014/210/FUL). Further residential properties are situated along Plumstead Close, Robins Lane, and Wheelers Lane, about 110 metres south-west of the application site.

80. The proposed school building would be a backwards L-Shape with the longest stem of the building measuring about 100 metres long by about 20 metres wide, with the shorter stem of the building measuring about 43 metres long by 20 metres wide. The school building would predominately measure about 6 metres high, with the

school hall measuring about 10 metres high, albeit due to the topography of the site the school hall would appear as a similar height to that of the main school building.

81. The main facades of the building would be clad in a brick rainscreen cladding (colour to be agreed through a planning condition). Other areas of the building, in particular the northern section of the building (which is identified for possible future building extensions), part of the school hall and the nursery to be located in the south-east corner of the building would be clad in western red cedar cladding, which would weather to a silver grey colour. The windows and doors would be aluminium powder coated (colour to be imposed as a condition). The main school building roof would be zinc standing seam roofing, or similar standing seam roofing. The link block roof would be a green roof planted with sedum.

82. The applicant states that the design rationale behind the appearance of the building is to ensure it fits well on its sloping site with an awareness that it would be seen from a distance across the valley as well as close up. The building volumes are expressed as extruded forms, with the classroom block and school hall expressed as separate volumes linked by the entrance block. Changes in direction of the classroom block, as it follows the contour of the hill, are marked by drum-shaped circulation nodes internally and as glazed and louvred turrets externally, which articulate the building profile and let light and ventilation into the heart of the building. Consequently, the school would have its own crisp architectural identity as an important community building at the heart of the future development, rather than mimic the style of the farm or adjacent residential development.

83. The Head of Strategic Infrastructure and Economy notes that Policy 46 of the Draft Borough of Redditch No.4, which should be given substantial weight in the determination of this application, states that *"the whole Strategic Site must be designed to successfully integrate with the existing Brockhill area. Its design must be appropriate to allow a natural extension to the urban area, and use the sites features to improve the character and quality of the area and the way it functions"*; and *"development must respect and be sympathetic to the topography of the site, in particular design consideration should be given to the steeper slopes with no development on prominent ridge lines and any excessive remodelling of land avoided"*. In respect to development on prominent ridgelines, such as the northern part of the application site. The applicant proposes the siting of the grassed playing pitches to be located on the upper parts of the site, with the higher parts of the development, such as the school hall located on the lower parts of the site.

84. The classroom block closest to the Lowan's Hill Farm would be single storey at the eaves with a duo pitch roof rising over the central corridor, and so of similar height to the barns and two-storey elements of the farm at its apex. The hall block, which needs to be taller, is set at the lower level, so would be seen as a similar height to the classroom block.

85. The proposed landscaping scheme is closely associated with the SuDS scheme and includes a turfed amphitheatre behind the proposed school hall, which can be used for outdoor gatherings and would be sheltered from the prevailing winds by the new buildings themselves. A new 'Forest Schools' area would be created in the northern part of the site, which would be developed as a small woodland area for outdoor learning for pupils; boundary tree planting; and the screen tree planting along the south-east boundary of the site.

86. The County Landscape Officer has been consulted and has raised no objections, and welcomes the proposed hedgerow planting in terms of providing the capacity for Green Infrastructure (GI) connectivity across the site.

87. A letter of representation has been received that comments that the design of the school is stunning and has all the features that a modern school should have. They are sure that the new school would become a huge asset to the area; however, it is important that a new school in this location does not affect their quality of life and enjoyment of their home. Objections have been received from local residents raising concerns relating to noise impacts and litter impacts.

88. In response to initial comments from Worcestershire Regulatory Services and local residents the applicant submitted a Noise Assessment. The Assessment examined predicted noise generated by pupils using the external areas of the school; predicted noise generated by the mechanical and electrical plant; predicted noise generated by vehicle movements within the school grounds; and external noise impacting the internal teaching spaces within the school. The Assessment concluded that all noise impact assessment acceptance criteria are achieved and the proposed development achieves the NPPF objective of ensuring noise impacts are maintained at acceptable levels.

89. Worcestershire Regulatory Services (Noise and Lighting Officer) has been consulted and has raised no objections referring to their Code of Best Practice for Demolition and Construction Sites. In view of this, a condition is recommended restricting the construction hours in accordance with those outlined within this Best Practice Guidance, namely between the hours of 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays. Worcestershire Regulatory Services (Air Quality) has also raised no objections, subject to the imposition of condition requiring a School Travel Plan. A condition is recommended to this effect. With regard to concerns relating to litter, it is considered that this is a management issue.

90. In view of the above, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that the scale, massing and design of the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area, providing an attentively designed local landmark and focal point. Furthermore, it is considered that the development would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location.

Sports Provision

91. The proposed new school development includes the laying out of two new playing pitches, together with the provision of two new hard play areas for Key Stage 1 and Key Stage 2; with the Key Stage 2 hard play area including the marking out of sports court lines. The playing fields would measure approximately 80 metres long by 55 metres wide (with a playing pitch measuring about 73 metres long by 46 metres wide) and 43 metres long by 33 metres wide (with a playing pitch of about 37 metres long by 27 metres wide) and would be situated in the northern part of the proposed school site.

92. It is noted that Sport England wishes to make no comments on this application, stating that the proposed development is not considered to fall either within their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Paragraph. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore, Sport England has not provided a detailed response.

93. The Head of Strategic Infrastructure and Economy notes that the Government's PPG at paragraph Ref. ID: 37-003-20140306 goes on to state that *"where there is no statutory requirement to consult Sport England, local planning authorities are advised to consult Sport England in cases where development might lead to the creation of a major sports facility or creation of a site for one or more playing pitches"*, which is the case for this application. Notwithstanding this, it is noted that Sport England's comments refer the County Planning Authority to the recommendations and priorities set out in the relevant District adopted Playing Pitch Strategy or Built Sports Facility Strategy and to Sport England or the National Governing Body design guidance notes. The Head of Strategic Infrastructure and Economy notes there is no adopted District Playing Pitch Strategy or Built Sports Facility Strategy and that the playing fields would be in accordance with the Football Association's guidance (Football pitch for under 11's/12's to measure 73 metres long by 46 metres wide and a Football: Mini Soccer pitch for under 7's/8's to measure about 37 metres long by 27 metres wide). Consequently, the Head of Strategic Infrastructure and Economy is satisfied that the proposed playing pitches are fit for purpose.

Water Environment

94. The proposed development is within the Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. However, as the application site is over 1 hectare in area a Flood Risk Assessment has accompanied the planning application.

95. The Flood Risk Assessment concludes that the Sequential Test is passed as the application site is located within Flood Zone 1 and *"that the site has a very low probability of significant surface water flooding. The development of the site is not expected to impact the existing surface water flood risk. Suitable management of the surface water flood risk as part of the development should ensure that the overall flood risk posed by surface water is low"*. Consequently, a Surface Water Drainage Statement accompanied the application. The drainage scheme outlines a number of drainage basins and swales draining the site with permeable surfacing for the playground; a green roof is proposed to link between the proposed school pitch roofs, with the installation of rain gardens; and the car parking area and associated hardstanding would also have a permeable surface connecting to a drainage basin before discharging to the Red Ditch watercourse.

96. North Worcestershire Water Management has been consulted and has raised no objections and considers that the submitted drainage scheme is comprehensive. The Lead Local Flood Authority has no objections, deferring to the opinion of North Worcestershire Water Management. Severn Trent Water Limited has also raised no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water. In view of North Worcestershire Water Management's comments it is considered that the submitted surface water

drainage scheme is acceptable, therefore, the condition recommended by Severn Trent Water Limited is not required. However, as the below ground foul water drainage for the new school is proposed to be connect to a new network of below ground sewers within the site boundary, and no details have been submitted as part of the application, a condition requiring a scheme for the disposal of foul water is recommended should planning permission be granted.

97. The Head of Strategic Infrastructure and Economy considers that, subject to the imposition of an appropriate condition that there would be no adverse effects on the water environment.

Ecology and Biodiversity

98. The applicant has submitted a Preliminary Ecological Appraisal with the application. It found that the application site is dominated by species-poor agriculturally improved grassland, which is considered to be of negligible intrinsic nature conservation value and very low ecological value. No protected species were found during the survey and it is considered that there is negligible risk of protected species being present. A small number of features were identified as having nature conservation value at the immediate site scale, including: the northern hedgerow and its associated trees and stumps, and an oak tree. The development footprint is currently located so as to cause the minimum impact on these features, and to give the maximum possible chance that these can be retained.

99. It outlined a numbers of recommendations, including vegetation clearance should be undertaken outside the bird breeding season (March to August inclusive); retention and protection of existing trees and hedgerows; an ecological sensitive lighting scheme, production of an Ecological Management Plan and biodiversity enhancements should be provided, including native species planting, tree or hedgerow planting along the southern boundary of the site and the installation of bird and bat boxes; and the construction of log, rock and leave piles for Invertebrates.

100. Worcestershire Wildlife Trust has been consulted due to the proximity of the application site to Local Wildlife Sites (LWS), in particular Brockhill Wood and Butler's Hill Wood and the Battlefield Brook LWSs, and has no objections, deferring to the opinion of the County Ecologist for all detailed matters relating to ecology and biodiversity for this planning application. The County Ecologist has no objections, subject to the imposition of appropriate conditions reflecting the recommendations of the submitted Preliminary Ecological Appraisal. Natural England has also been consulted and has raised no objections to the proposal.

101. The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area and would enhance the application site's value for habitats, species, biodiversity and wildlife corridors, in accordance with Section 11 of the NPPF and Policies Policy B(NE).1a, Policy B(NE).3 and Policy B(NE).10b of the Borough of Redditch Local Plan.

Traffic and Highway Safety

102. The proposal is for a new First School that would accommodate about 326 pupils and about 34 members of staff (full-time equivalent). Access to the proposed

school site would be from the residential estate road of Cookridge Close, which has a road width of about 6.1 metres with a footway on the eastern side only, and a service strip consisting of a grass verge on the western side. Cookridge Close connects to Pointers Way to the south by means of a priority junction.

103. The proposal includes the provision of 34 car parking spaces for staff and visitors, which includes 2 spaces for disabled users. This equates to 1 car park space per full-time equivalent member of staff. The proposal also includes the storage of about 30 cycles (1 per 10 pupils) and 2 motorcycle spaces and a parking space for a minibus. A turning head is proposed to be installed at the end of the extended Cookridge Close, until such time as the road is extended further into the later phases of the Brockhill East housing estate (subject to planning approval from Redditch Borough Council). Holyoakes Field First School uses a coach weekly to take pupils to swimming lessons and on other occasions for school trips.

104. At the current time bus services do not serve the new residential area of Brockhill East (Phase 1). Should Phase 2 Brockhill East be granted planning permission (currently pending the completion of a Section 106 Agreement), it is proposed that during the occupation of new houses within Phase 2 buses would be introduced through the Phases 1 and 2 development areas, off the Hewell Road corridor. It is envisaged that bus service 53 would be diverted into the site from the existing route along Hewell Road.

105. A number of objections and concerns have been received from local residents regarding traffic and highway safety, in particular requesting a drop-off area; indiscriminate parking; lack of a footway on the western side of Cookridge Close; and requesting that the recommendations of the submitted Transport Statement are implemented.

106. Paragraph 32 of NPPF states that *"all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment"*, and it goes on to state that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*.

107. The application was accompanied by a Transport Statement, which estimates that the proposal would generate 90 arrivals in the morning peak hour consisting of 30 arrivals by staff and 60 arrivals by parents, and it considers that this volume of traffic would not have a material impact on the operation of the road network when considering the transfer of trips from the existing school site. It considers that the road network surrounding the proposed school has an excellent safety record and the road alignment and traffic calming reduces average speeds such that there is a minimal safety risk for users visiting the proposed new school. The Transport Statement makes a number of recommendations this includes: footways measuring at least two metres wide to be installed on both sides of Cookridge Close; provision of a parking lay-by on the eastern side of Cookridge Close to accommodate about 11 vehicles; a drop-off area to be installed at the school site; staggering the start times for each school forms; and the production of a Travel Plan.

108. In response to requests from local residents and Redditch Borough Council regarding the provision of parent parking and a drop off facility, the County Highway Officer confirmed that provision of such a facility is not supported by the County

Highway Authority, as it sends a clear message that driving is encouraged. It is important that walking links to the school are suitable and follow desire lines to make it more attractive to walk. Consequently, the County Highways Officer has raised no objections to the proposal, subject to the imposition of appropriate conditions, including a Travel Plan, scooter parking provision and an appropriate pedestrian crossing.

109. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impacts upon traffic or highway safety, subject to the imposition of conditions recommended by the County Highway Officer.

Sustainable Development

110. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

111. In terms of sustainability the proposed development has been designed to minimise the space heating requirements for the lifetime of the school, by using increased insulation and airtightness standards well above building regulations standard. The building would also include secure natural ventilation, with natural cooling of the building with secure night-time purging of heat using louvres at low and high level. The use of a prefabricated timber frame, which has a low embodied energy, which uses renewable materials, would improve the buildings fabric airtightness. Photovoltaic (PV) panels would be installed on the roof of the proposed school. The applicant states that two options are being considered, with the minimum being to install a PV system 6 kilowatt peak (kWp) comprising of 24 PV panels generating about 4,920 kilowatt-hour (kWh) of electricity. This is equivalent to the electricity that would be used by the lighting fittings in the eight classrooms proposed for 38 weeks. The other option (funding permitting) is to install a PV system 12 kWp comprising of 48 PV panels generating about 9,840 kWh of electricity. This is equivalent to the electricity used by the light fittings in the proposed eight classrooms for 76 weeks. The proposal would also include a Sustainable Drainage Scheme (SuDS) to control surface water and provide biodiversity enhancements.

112. The proposed development would be subject to a Building Research Establishment Environmental Assessment Method (BREEAM) assessment with a target grading of 'very good'. The assessment is wide-ranging and covers areas such as materials, building management, transport, energy use, pollution and health impacts.

113. In view of this, and the preceding sections of this report, the Head of Strategic Infrastructure and Economy, therefore, considers that the proposal is a sustainable development, in accordance with the NPPF in relation to its presumption in favour of sustainable development.

Other matters

Crime

114. The applicant undertook pre-application consultation with the Crime Prevention Design Advisor for West Mercia Police. The applicant states that *"it was noted that, as the site of the school is currently undeveloped and the first phase of the housing estate is still very new, there are no crime patterns on which to assess risk and to base security design decisions on. Nonetheless the main elements of security were agreed"*. This includes:

- Installation of weldmesh fencing around the boundary of the site, measuring about 1.8 metres high for parts of the site that would abut future road frontages, with a 2.4 metre high weldmesh fence for other unsupervised areas of the site, adjacent to the playing fields
- Any low points of the roof are designed to deter unauthorised access through the use of roof overhangs, avoiding 'step-up' possibilities like retaining walls, bins etc., and / or recessed downpipes, or downpipes with anti-climb covers, or square downpipes closely fitted to the wall
- To reduce the threat of arson/ fire setting: the recycling / bin store has been located in a separate fenced compound away from the building
- Intruder alarm, and
- External lights will be light sensor and time clock controlled, with lighting columns to light the car park and main entrance with other areas lit by building-mounted lights to light the remainder of the perimeter of the school.

115. Consequently, West Mercia Police has raised no objections to the proposal.

Historic environment

116. The proposed site of the school is adjacent to the late 18th / 19th century historic farmstead of Lowan's Hill Farm, which comprises a series of buildings arranged around a courtyard. The school building is set back from the historic farm, with intervening landscape tree buffer and hard play areas and playing fields. The proposed school's front elevation, consisting of two gables (the school hall and the classroom block) linked by a duo-pitch, echoes a similar configuration of 'bookend' gables and a linking block on the historic farm. Redditch Borough Council has been consulted and has raised no objections, making no adverse comments in respect to the historic environment.

117. The County Archaeologist has been consulted and has raised no objections to the proposal, subject to the imposition of conditions requiring a programme of archaeological works. The Worcestershire Historic Environment Record (HER) has recorded heritage assets within the vicinity of the proposed development including an Iron Age settlement uncovered during the Brockhill East Phase 1 residential development to the south. Given the scale of the proposal and the anticipated archaeological potential the likely impact on the historic environment may be offset by the implementation of a conditional programme of archaeological works.

Contaminated land

118. The application site and immediate surroundings have been used historically for agriculture with various sand pits that have been excavated and infilled. On the site itself a pond thought to have been a sand pit previously is marked in the southern corner of the site, this is shown as infilled from 1971. The nearest recorded historical landfill is situated about 360 metres to the south-east of the proposal.

119. Worcestershire Regulatory Services advice the County Planning Authority in respect of contaminated land issues and has raised no objections, subject to the imposition of conditions requiring a tiered contaminated land investigation.

Consultation

120. One letter of representation has been received from a local resident who lives adjacent to the existing Holyoakes Field First School, raising concerns about not being consulted on the proposed new school.

121. The applicant states that the public consultation event was purely about the new school at Brockhill East, and that appropriate public consultation would take place when proposals for the old school site come forward. The current timetable would not result in the existing Holyoakes Field First School being vacated until spring 2018.

122. Members are advised that all application should be determined on their own merits.

Conclusion

123. The proposal is wholly located within the West Midlands Green Belt. The Head of Economy and Infrastructure considers that due to the need to replace the existing Holyoakes Field First School due to the anticipated growth in pupil numbers and the condition of the existing school and lack of space to develop on the existing school site, together with the limited number of sites available within the School Catchment Area, it is considered that Very Special Circumstances have been demonstrated that would outweigh the harm to the Green Belt.

124. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposed new school would create about 1,990 square metres of floorspace if this Committee is minded to approve the application, this Council must consult the Secretary of State for Communities and Local Government. The Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.

125. The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that the scale, massing and design of the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area, providing a local landmark and focal point. Furthermore, it is considered that the development would not cause any

unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location.

126. The proposed playing pitches would be in accordance with the Football Association's guidance (Football pitch for under 11's/12's to measure 73 metres long by 46 metres wide and a Football: Mini Soccer pitch for under 7's/8's to measure about 37 metres long by 27 metres wide). Consequently, the Head of Strategic Infrastructure and Economy is satisfied that the proposed playing pitches are fit for purpose.

127. Based on the advice of North Worcestershire Water Management, the lead Local Authority and Severn Trent Water Limited, it is considered that subject to the imposition of a condition requiring a foul drainage scheme that there would be no adverse effects on the water environment.

128. Based on the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist it is considered that subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for habitats, species, biodiversity and wildlife corridors.

129. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impacts upon traffic or highway safety, subject to the imposition of appropriate conditions.

130. The proposal includes a number of sustainable measures such as high insulation levels, installation of PV panels and a green roof, natural ventilation and a SuDS scheme. In view of this, and the preceding sections of this report, the Head of Strategic Infrastructure and Economy, therefore, considers that the proposal is a sustainable development, in accordance with the NPPF in relation to its presumption in favour of sustainable development.

131. Taking into account the provisions of the Development Plan and in particular Policies CS.1, CS.2, CS.7, CS.8, S.1, B(BE).13, B(BE).19, B(NE).1, B(NE).1a, B(NE).3, B(NE).10b, L.1, B(RA).1, C(CF).1, C(T).12, R.1 and R.5 of the adopted Borough of Redditch Local Plan No.3, and Policies 1, 2, 3, 5, 8, 11, 13, 15, 16, 17, 18, 19, 20, 36, 37, 39, 40 and 46 of the Draft Borough of Redditch Local Plan No.4, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

127. The Head of Strategic Infrastructure and Economy recommends that the Committee resolves that they are minded to grant planning permission for a new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire, and recommends that the application be referred to the National Planning Case Work Unit in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, as the proposal is a departure from Green Belt Policy and if the

Secretary of State does not wish to intervene planning permission be granted, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) Planning permission enures for the benefit of Worcestershire County Council only;**
- c) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered: BW10099L A DG-P01, BW10099L A DG-P02, BW10099L A DG-P03, BW10099L A DG-P04, BW10099L A DG-P05, BW10099L A DG-P06, BW10099L A DG-P07 and BW10099L A DG-P08, except where otherwise stipulated by conditions attached to this permission;**
- d) Prior to the occupation of the development hereby approved, details of the Photovoltaic Panels to be installed as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- e) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, or Bank Holidays;**
- f) Notwithstanding any indication of the materials, which may have been given in the application, within 3 months of the commencement of the development hereby approved, a schedule and/or samples of the materials and finishes for the school building shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**
- g) Notwithstanding the submitted details; a scheme for any external lighting shall be submitted to and approved in writing by the County Planning Authority within 6 months of the commencement of the development hereby approved. Such details shall include their design, size, colour finish and location. Thereafter the development shall be carried out in accordance with the approved details;**
- h) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012 No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerows being damaged or removed by the development, it shall be replaced in the next planting season;**
- i) No development shall commence until a Construction Environmental Management Plan (CEMP) for Biodiversity has been submitted to and approved in writing by the County Planning Authority. The approved CEMP**

shall be implemented for the duration of the construction phase. The CEMP shall include the following:

- i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of “biodiversity protection zones”;
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
 - v. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
 - viii. Use of protective fences, exclusion barriers and warning signs;
- j) Within 6 months of the commencement of the development hereby approved, an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the County Planning Authority. The EMP shall include the following:-
- i. Details of hedgerow gap planting or new hedgerow creation (native species selection, planting density and establishment care);
 - ii. Location and specification of ten bird boxes (fitted to appropriate soft landscape features and onto and within the fabric of the new building);
 - iii. Location and specification of five general purpose bat boxes (fitted both to the retained oak tree and within the fabric of the new building);
 - iv. Location and specification of two hedgehog houses and hedgehog access within boundary fencing;
 - v. Specification and location of 'habitat piles' (such as insect refuges);
- k) Detailed planting scheme and specification shall include locations, seed mixes, species, sizes, spacing, ratios and planting densities with associated establishment and aftercare provision. The approved planting scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;
- Thereafter, the development shall be carried out in accordance with the approved details;
- l) Once installed all features (including wildlife boxes) as specified within the EMP (Condition J above) shall be maintained and if required replaced for a period of no less than five years following completion of the development hereby approved;

- m) Within 3 months of the commencement of the development hereby approved, a scheme for foul drainage shall be submitted to, and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the agreed details before the development is first brought into use;
- n) The development hereby approved shall be carried out in accordance with the submitted Holyoakes School Surface Water Drainage Statement and accompanying drawings numbered: RBA-HOS-006, RBA-HOS-007, RBA-HOS-008 and RBA-HOS-009;
- o) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until a School Travel Plan that promotes sustainable forms of access to the school site, has been submitted to and approved in writing by the County Planning Authority. Thereafter the Travel Plan shall be implemented and updated in agreement with Worcestershire County Councils Travel Plan Co-ordinator;
- p) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until details for secure parking for at least 30 scooters has been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- q) The development hereby approved shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been provided and clearly delineated on the ground as indicated on the approved plan;
- r) The development hereby approved shall not be brought into use until details of the provision of dropped kerbs and a pedestrian crossing point to cross Hewell Road have been submitted to and approved in writing by the County Planning Authority, and the works have been completed in accordance with the approved scheme;
- s) No development shall commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

- t) **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition s) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;**
- u) **No development shall commence other than that required to be carried out as part of an approved scheme of remediation, until parts 1 to 4 have been complied with:**
1. **Previous reports submitted to the County Authority in support of the application have identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the County Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";**
 2. **Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report shall be submitted to and approved in writing by the County Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";**
 3. **Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors, shall be submitted to and approved in the County Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;**
 4. **The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation;**
 5. **Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the County Planning Authority prior to the occupation of the development hereby approved; and**

6. **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared and shall be submitted to and approved in writing by the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the County Planning Authority prior to the occupation of the development hereby approved.**

Contact Points

County Council Contact Points

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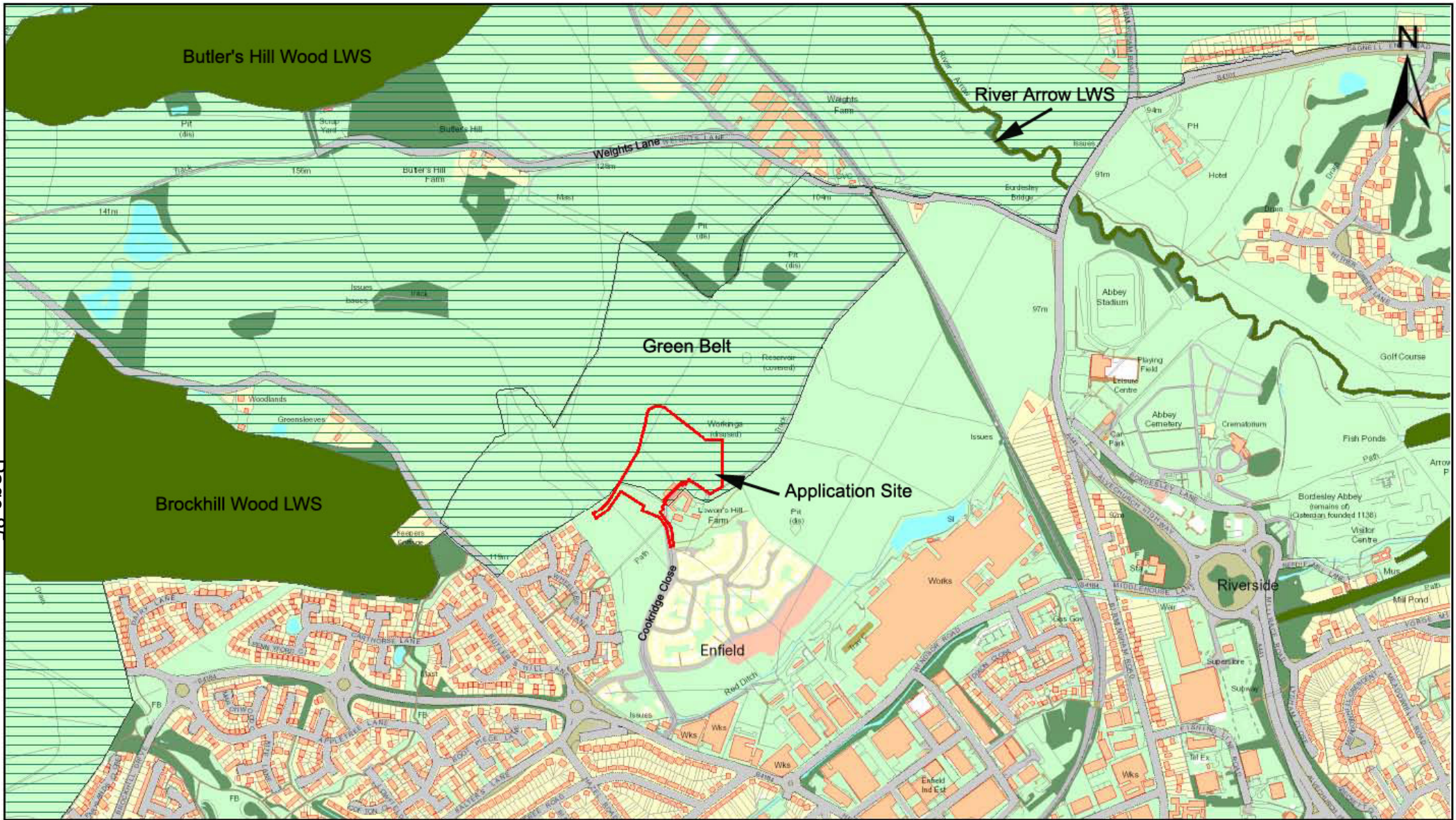
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Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 16/000007/REG3.



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 Ordnance Survey 100024230.

Indicative Scale: 1:10,000

Date Printed: 2/9/2016

0 50 250 500 metres

Proposed new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire
Ref: 16/000007/REG3

worcestershire
 county council

Countryside Service
 Worcester Woods Country Park
 Wildwood Drive
 Worcester
 WR5 2LG

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 Ordnance Survey 100024230.

Indicative Scale: 1:2,500

Date Printed: 2/9/2016

0 20 100 200 metres

Proposed new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire
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 **worcestershire**
 county council

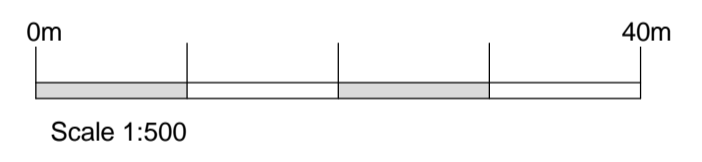
Countryside Service
 Worcester Woods Country Park
 Wildwood Drive
 Worcester
 WR5 2LG

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Grey tone= Possible Future Development by others, concept design only shown

- - - 1.2m high palisade fence
- - - 1.5m ball stop fence/ hedge
- - - 1.8m high weldmesh fence
- - - 2.4m high weldmesh fence
- Development boundary
- 128.69 Proposed levels



1 Proposed Site Plan of New First School
 1 : 500

Rev	Date	Description	Drawn	Issued	Rev'd	Aprvd
Revision Schedule						
JACOBS						
Client Worcestershire County Council						
Project New Holyoakes Field First School at Brockhill East						
Drawing title Proposed Site Plan						
Drawing Status PLANNING						
Scale		As indicated	DO NOT SCALE			
Jacobs No.						
JPI No.		BW10099L A-DG-P02				
Drawing Number		Sheet No.			Rev	
BW10099L A-DG-P02						
This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.						

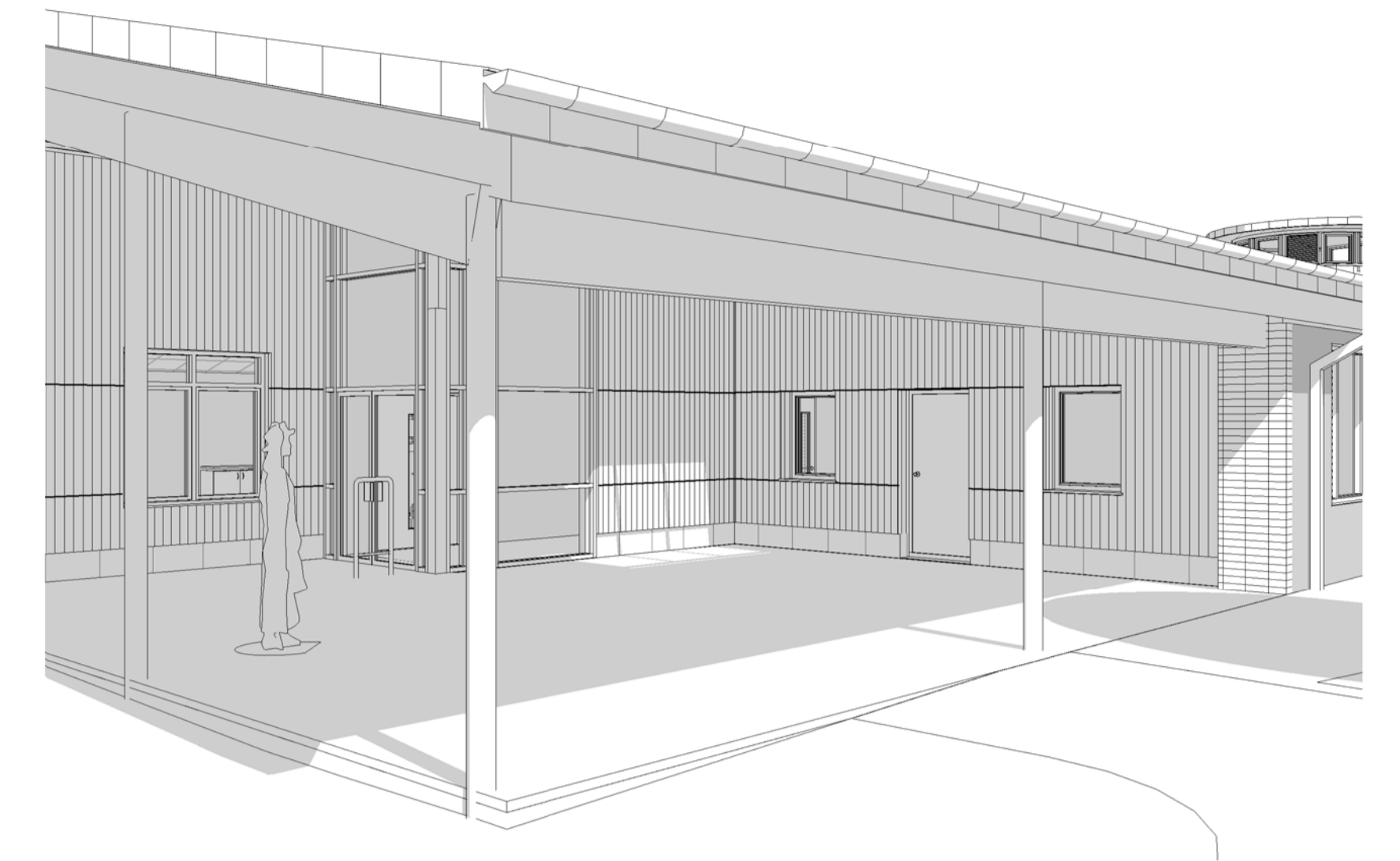
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1 View from new pedestrian entrance



2 Hall exterior from north



3 Nursery covered play



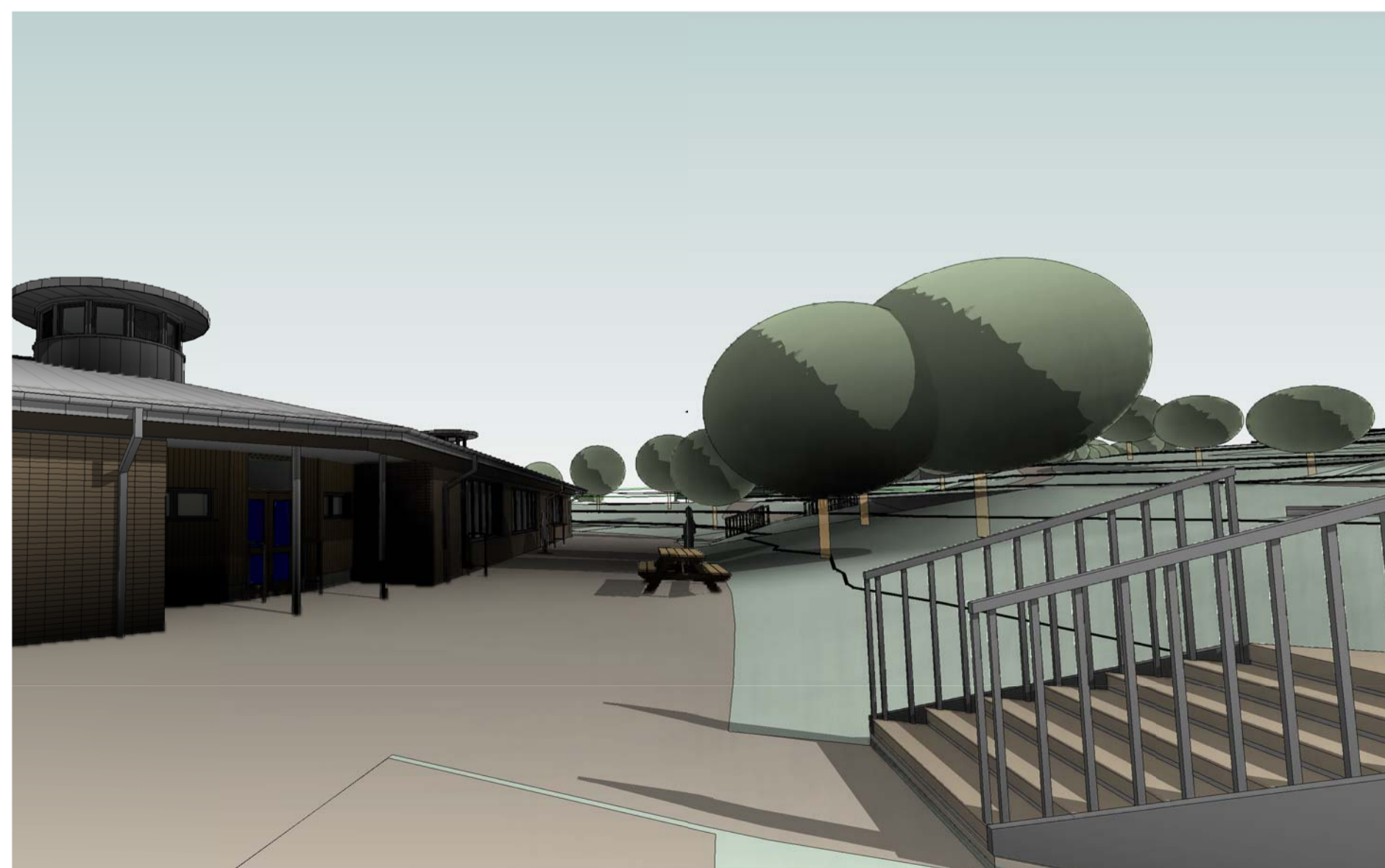
4 Top of amphitheatre



5 approach to main entrance



6 View from north west



7 KS1 Pupil entrance



8 Amphitheatre from hall

Please note that these external views illustrate the overall form of the building rather than specific details.

Rev	Date	Description	Drawn	Issued	Rev'd	Aprvd
Revision Schedule						
JACOBS™						
Client Worcestershire County Council						
Project New Holyoakes Field First School at Brockhill East						
Drawing title Indicative External Views						
Drawing Status PLANNING						
Scale DO NOT SCALE						
Jacobs No.						
JPI No. BW10099L A-DG-P08						
Drawing Number BW10099L A-DG-P08						
Sheet No.						
Rev						
This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.						

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**PLANNING AND REGULATORY COMMITTEE
20 SEPTEMBER 2016****PROPOSED NEW SINGLE STOREY 1 FORM ENTRY
PRIMARY SCHOOL ACCOMMODATING RECEPTION TO
YEAR 6 AT MALVERN VALE PRIMARY SCHOOL,
SWINYARD ROAD, MALVERN VALE, MALVERN,
WORCESTERSHIRE**

Applicant

Worcestershire County Council

Local Member

Prof J W Raine

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for a new single storey 1 Form Entry Primary School accommodating Reception to Year 6.

Background

2. In December 2006, Malvern Hills District Council granted outline planning permission for the redevelopment of the former MOD North Site (Planning Permission 04/00182/OUT). This permission included the reservation of land for the provision of a school as part of the Section 106 agreement. Since then, much of the housing development has been constructed in the Malvern Vale area.
3. In May 2015, Jacobs UK conducted a feasibility study for a new primary school in the Malvern Vale housing development. Jacobs UK were subsequently appointed by Place Partnership Ltd to design, procure, and supervise the construction of the new primary school on behalf of Worcestershire County Council.
4. The new primary school would expand the existing Somers Park Primary School in Malvern in order to accommodate new pupils associated with the Malvern Vale housing development.

The Proposal

5. Worcestershire County Council is seeking permission for a new single storey 1 Form Entry Primary School accommodating Reception to Years 6. The proposal includes the school, a car park, hard play areas, a netball court, soft landscaping, drainage, and the use of an existing sports pitch.

6. The school would provide places for approximately 210 pupils and employ approximately 25 members of staff (including lunchtime support, teaching assistants and staff to the servery).

School Buildings

7. The proposed main school building would be single storey and measure roughly 1355m² in area. The main body of the school would measure approximately 6 metres in height, whilst the school hall would measure approximately 9.1 metres in height.

8. The building would comprise the following: 7 classrooms, offices, store rooms, cloakrooms, a staff room, DT room, plant room, servery, WCs, a Bathroom Management Area, and external bin storage.

9. The applicant's design philosophy states that the layout of the site has largely been driven by the existing parameters of the Malvern Vale Community Centre, existing service access road, and existing sports pitches. The school building has been organised along a linear corridor to create clear circulation routes for pupils.

10. The proposed materials for the school building would be comprised of the following:

- Walls: grey facing brickwork with partial panel cladding to define entrances and lift the roof overhangs. The main entrance would be defined with cedar cladding
- Windows and external doors: Aluminium and timber composite frames
- Roof: Single ply membrane in slate grey with a sedum finish. The hall roof would be matt, slate grey aluminium
- Rainwater goods: Aluminium to match external window frames.

11. The proposed roof for the school hall would be double pitched to allow the installation of Photovoltaic (PV) panels to the southerly aspect and lighting of the internal spaces. The roof for the majority of the school would comprise a green roof with a sedum finish.

12. A smaller building measuring roughly 79 m² in area would be located between the proposed netball court and turning head for the existing service access road. This building would house the sprinkler tank, sprinkler pump room, and a storeroom.

Car Park

13. A car park is proposed immediately southwest of the proposed netball court along an existing service access road.

14. The car park would provide 9 spaces. No disabled or visitor car parking provision is proposed. It is assumed that visitors would be dropped off on the highway adjacent to the front of the main entrance.

Hard Play and Netball Court

15. Hard play areas are proposed for Key Stage 1 and Key Stage 2 pupils immediately to the west of the proposed school building. A netball court measuring roughly 462 m² in area would be located to the west of these hard play areas.

Soft Landscaping

16. Soft landscaping consisting of grass, shrubs and trees is proposed on the eastern and southern boundaries. Grass, shrubs and a tree would be located in the courtyard area between the school and the community centre.

Drainage

17. A SuDS (Sustainable Drainage Scheme) is proposed in the form of existing below ground attenuation basins provided as part of the wider redevelopment of the former MOD north site. The proposed school would connect to this existing SuDS. The SuDS would form part of the proposed school's storm water drainage scheme. A green roof with a sedum finish is also proposed, which would contribute to the drainage strategy for the school.

Playing Field

18. The school would be located immediately to the east of two existing grassed sports pitches. It is proposed that the smaller of these 2 pitches would transfer to Worcestershire County Council ownership as part of the existing Section 106 Agreement.

19. During term time, the school would have exclusive use of this smaller pitch between 0830 and 1600, and priority usage between 1600 and 1800 Mondays to Fridays inclusive. The school would also have exclusive use between 0830 and 1200 on Saturday mornings during term time. The Community Centre would have exclusive use outside of these hours.

20. An 1800mm high gated fence is proposed between the small sports pitch and the large sports pitch in order to meet the proposed school's safeguarding arrangements for children.

Contractor's compound

21. A potential location for the contractors' facilities would be the site of the proposed netball court adjacent to the existing service access road.

The Site

22. The site is located within the Malvern Vale housing development which is situated on the north-western fringe of the Greater Malvern settlement area. The site lies approximately 90 metres northwest of the B4503 Leigh Sinton Road in this area.

23. The site measures approximately 0.85ha in area.

24. The site is accessed via a service access road, which adjoins Swinyard Road. Swinyard Road adjoins the C2207 Sayers Avenue at its southern end.

25. The site is currently an open grassed field with a perimeter timber knee-rail fence on all sides. The site is bounded to the south west, south, east, and north east by a mixture of detached and semi-detached residential properties. The Malvern Vale Community Centre lies immediately to the northwest of the site. A 50 space car park is located approximately 7 metres north of the site.

26. Two playing pitches (an adult pitch and an U11/12 pitch) are located northwest of the site boundary. The Community Centre lies between the adult pitch and the site. Agricultural fields lie beyond the playing pitches to the west of the site for approximately 400 metres before the land starts increasing steeply in gradient towards the northern extent of the Malvern Hills.

27. A number of significant features are located near to the site:

- **Listed Building:** Pale Manor, a Grade II Listed Building is located approximately 105 metres to the east of the site
- **Public Rights Of Way:** Footpath MV-517 lies approximately 105 metres west of the site. The footpath runs north-south along the western boundary of the playing pitches
- **Area of Outstanding Natural Beauty (AONB):** The Malvern Hills AONB boundary is located approximately 740 metres west of the site
- **Site of Special Scientific Interest (SSSI):** The Malvern Hills SSSI lies approximately 980 metres south west of the site
- **Local Wildlife Site (LWS):** Mill Coppice LWS is located roughly 600 metres to the west of the site. Whippets Brook LWS is located roughly 500 metres north west of the site

28. The site lies within a predominantly residential area. The nearest residential property is 120 Swinyard Road which is located immediately to the west of the site's south western boundary. A convenience store is located roughly 110 metres north of the site.

29. The application site falls within Flood Zone 1 (a low risk zone).

Summary of Issues

30. The main issues in the determination of this application:-

- Need for the Primary School
- Residential Amenity
- Traffic and Highways Safety
- Building Design
- Playing Field
- Landscape Character and Appearance of the Area
- Ecology and Biodiversity, and
- Water Environment.

Planning Policy

National Planning Policy Framework (NPPF)

31. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local

planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

32. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

33. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

34. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

The Development Plan

35. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the South Worcestershire Development Plan.

36. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

South Worcestershire Development Plan

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
Policy SWDP 25 Landscape Character
Policy SWDP 27 Renewable and Low Carbon Energy
Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 30 Water Resources, Efficiency and Treatment
Policy SWDP 31 Pollution and Land Instability
Policy SWDP 33 Waste
Policy SWDP 37 Built Community Facilities
Policy SWDP 39 Provision for Green Space and Outdoor Community Uses in New Development
Policy SWDP 62 Implementation

Consultations

37. **County Councillor Raine** has the following comments-

- The application for the primary school is welcomed
- The emphasis on low carbon/energy requirements in the design is welcomed (including PV panels, a sedum roof, and orientation for optimising passive solar gain)
- It is recognised that the school hall will benefit from additional height over normal room heights, but there is concern that the height of the hall would unnecessarily restrict views of the hills for residents opposite. A lower height might be adopted instead
- He is concerned about car parking provision and the arrangements for waiting when parents drop off and collect their children. Ideally, parents and children should walk to school, and this should be encouraged. However, experience from other schools in the area (Northleigh and Somers Park, for example) indicates that many parents and children do not walk (and maybe cannot)
- Dangerous short term parking and waiting must be particularly avoided on Swinyard Road. Congestion at the start and finish of school is a worry and could prove to cause considerable aggravation for local residents (as is the case at Somers Park and Northleigh)
- A better position for the bin store is worth thinking about to avoid an unsightly effect on the immediate environment and residents
- The councillor dislikes the concept of fencing between the two pitches. The existing fencing around the two pitches provides more than adequate security and already damages the outlook towards the hills. Adding further fencing reduces the sense of openness and landscape amenity

- The councillor hopes his observations are helpful in ensuring the best possible design for this important component of the Malvern Vale community.

38. **Malvern Hills District Council** have the following comments:-

- The district council supports the principle of a primary school on the Malvern Vale development. The council is pleased that the development has come forward after years of uncertainty. This is a very important part of this sustainable mixed use development on a brownfield site
- The school's design should be of the highest quality in terms of internal layout, materials, and energy efficiency. The PV panels, the sedum roof, and orientation for passive solar gain are welcomed
- The school seems unnecessarily high in the context of the adjacent community centre and the surrounding dwellings. It is understood that the hall may need to be higher than other parts of the building. However, the height of the hall should be reviewed and reduced to the minimum necessary to ensure it is in keeping with the scale and mass of the surrounding development. The character and appearance of the area should not be adversely affected, as well as the amenity of adjacent occupiers
- The external materials require further consultation in the event that planning permission is granted. The submitted drawings give a dark and austere impression. Consideration should be given to brightening up the building's appearance. The introduction of colour could be discussed with the local community
- The building should be designed to minimise maintenance in the long term. The triangular areas of soft landscaping should be deleted and replaced with trees. Further tree planting could be included on the western site boundary along the edge of the playground to soften the development and provide summer shading. Further consultation is required for hard and soft landscaping proposals
- The council is concerned that tree planting proposals may adversely impact on the efficiency of the community centre's PV panels
- The entrance in to the school on the southern boundary should be set in to the site to allow parents and children to wait by the gate during pickup/drop off. The limited width of the footway is likely to mean children could be knocked in to the road
- The fencing around the building will be prominent. Colour and type of fencing will require careful consideration. Consultation is required on this detail
- The northwest elevation will be prominent when viewed from Swinyard Road and public open space. The elevation's design is plain and overbearing when viewed against the community centre. Architectural interest should be considered for this elevation

- The bin store is in a very prominent roadside location and lends this part of the building a utilitarian appearance. Bin stores would normally be located to the rear of the building. Consideration should be given to relocating the bin store off the service road to the rear of the community centre
- The council objects to the addition of fencing dividing the U11/12 pitch from the adult pitch. The council does not accept this is required for safeguarding reasons. Other primary schools in the district rely on building level security and do not have this type of fencing around their grassed play areas. Safeguarding of pupils and centre users should be a straightforward arrangement through effective partnership working and communication. The introduction of a fence would be detrimental to the school and community centre, and unnecessarily restrict the site's flexibility. The school and community centre should be capable of hosting combined community events utilising both buildings and pitches without a fence that would compromise this ability
- The council is concerned that the fence between the pitches could cause injuries if players overrun the edges and collide with the fence.

39. **Malvern Town Council** have the following comments:

- The council supports this long-overdue application
- Consideration must be given to the provision of adequate parking for both staff and visitors, and to arrangements for the dropping off and collection of children
- Renewable energy and sustainability must be given priority.

40. **The County Archaeologist** has no objections.

41. **The County Ecologist** has no objections. The County Ecologist considers that the recommendations of the Preliminary Ecological Appraisal submitted with the application could be secured through an appropriately worded condition.

42. **The County Footpaths Officer** has no objections.

43. **The County Health Improvement Practitioner** recommends that a Health Impact Assessment (HIA) is undertaken. An HIA is likely to generate positive and negative implications for the health and wellbeing of the local population. Recommendations from an HIA should be addressed through the masterplanning and design process.

44. **The County Highways Officer** has no objections subject to conditions. The County Highways Officer has provided the following comments:-

- Considering the established residential neighbourhood surrounding the development, it is anticipated that the majority of trips will be made on foot
- It is recognised that some trips will be made by car, for example parents passing the school on the way to work. It is normal to experience on street parking for short durations around opening and closing times. These short term issues are not considered to warrant the provision of dedicated parking provision

- Some parking for staff is provided as they are expected to come from further afield. Cycling and bus access are realistic options and the site is highly accessible by both. The parking levels are considered appropriate for usage in this location
- A travel plan is required to encourage the significant opportunities for sustainable access from pupils and staff. Of particular benefit would be the provision of sheltered storage for pupils' scooters. It is expected that the travel plan will include this
- A parking space for exclusive use by the disabled shall be provided.

45. **The County Landscape Officer** has no objections. The officer commented that the development should make a moderate contribution towards the townscape quality and environment.

46. **Hereford and Worcester Fire and Rescue Service** have no objections.

47. **The Lead Local Flood Authority** have no objections.

48. **The Malvern Hills AONB Partnership** have no objections.

49. **Natural England** have no objections.

50. **Severn Trent Water Limited** have no objections, subject to conditions relating to the provision of drainage plans for the disposal of foul sewage and surface water.

51. **South Worcestershire Land Drainage Partnership** have no objections.

52. **Sport England** have no objections subject to a condition securing continued community use of the U11/12 playing pitch (unless another suitable mechanism is already in place to ensure continued community use). Sport England also have the following comment:

- The proposal to fence off the U11/12 pitch may be unnecessary when there is already a perimeter fence around the two pitches which restricts access. Furthermore, the fence would not allow rest and rotation of the pitches, which is recommended by the Football Association. Safety run-off areas would also be limited by the fence. Sport England recommends that the fence is not provided.

53. **West Mercia Police** have no objections. Pre-application discussions with the applicant dealt with any small concerns.

54. **Worcestershire County Council's Sustainability Team** have the following comments:

- The planned school could follow the example of schools built to excellent environmental standards in Worcestershire
- The team supports the development's aim to achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good'

- Consideration should be given to incorporating energy efficient lighting technology, zoned heating and lighting, rainwater harvesting, and potential for a biomass boiler or ground source heat pump
- The inclusion of renewable energy in line with the requirements of the SWDP is welcomed
- The team recommend a range of measures to ensure the building's ability to cope with climate change including: wide gutters, outdoor shading areas, green space provision, rainwater harvesting, and individual water butts for gardening
- The sedum roof is welcomed as this is a key measure for slowing down and decreasing runoff
- Efforts should be made to encourage planters and other aspects of greenery in the playground due to the limited green infrastructure in the school grounds
- Environmental measures for enhancing the school's grounds as a learning environment could be incorporated, such as providing water butts for pupils to safely access and appreciate the benefits of sustainable design
- It would appear no arrangements have been made for the separate storage and collection of recyclable waste. This could make it easier for the school to segregate recyclables. Arrangements should be made for composting
- Consideration should be given to local sourcing of materials and local employment opportunities during construction
- Sustainable transport to the school should be enabled with clear walking and cycling options. Cycle parking should be planned in the development. The transport statement could have identified existing cycle paths and how these link to the school
- Developing the travel plan could ensure sustainable travel is embedded throughout the school as it opens.

55. **Worcestershire Regulatory Services** have no objections.

56. **Worcestershire Wildlife Trust** have no objections.

Other Representations

57. The application has been advertised in the press, on site, and by neighbour notification. 8 letters of representation have been received. The letters of representation are available in the Members' Support Unit. The main comments are summarised below:-

- One letter of representation is largely supportive of the construction of the school.

- There are multiple concerns surrounding car parking provision at the proposed school and the impact this would have on the Malvern Vale housing area. These are detailed below:
 - i. The 9 spaces proposed do not meet the council's highways standards. More spaces should be provided to meet the standards;
 - ii. Many residents require parking spaces in front of their homes on the highway. Parents parking in these spaces may lead to inconvenience;
 - iii. Adequate parking should be provided for parents. The consequences of not providing spaces would be chaos, inconvenience, and safety implications. Examples of the chaos to be expected can be seen at pickup and drop off at Dyson Perrins and Northleigh schools;
 - iv. Only 9 spaces are provided for staff. There is concern at where the extra staff would park;
 - v. Planning consent should be delayed until sufficient car parking arrangements have been reviewed;
 - vi. The plans submitted suggest the school will use the car parking spaces at the Community Centre. It wouldn't be appropriate for the school to use these spaces because they are used for events and functions during the week;
 - vii. At a Malvern Vale residents meeting on 1 July 2016, it was established that an arrangement for the school to use the Community Centre car park had yet to be obtained, and that this would be fought against;
 - viii. One local resident suggests a solution to the parking problems could be to reduce the size of the school, or to make the school 2 storeys in height to provide additional parking spaces; and
 - ix. Another local resident suggests setting the school back from the road and providing a layby on Swinyard Road. Another option would be to locate the main entrance on the western side of the site, and to provide car parking at the south of the site. This arrangement would also be less intrusive on nearby properties.
- There is concern at traffic problems which might be generated by the school. There are already problems on Swinyard Road with the current traffic levels including 'near misses', obstruction of the road, and the loss of a resident's pet cat, which was caused by a motorist
- There is concern that the 210 pupils coming and going each day would increase the amount of litter around the Malvern Vale estate. Would the appropriate authority be contributing to maintaining the environment, and how would this occur?
- There is concern surrounding who would maintain the green spaces at the development

- There are concerns at the height of the building along Swinyard Road, and the height of the hall building. These are detailed below:
 - i. The single storey building is too high and would constitute a significant visual impact on residents on the road opposite the school, as well as making the school more expensive to heat. The height of the school should be reduced. One resident suggests this would be less expensive because of the reduction in materials used; and
 - ii. Another respondent objects to the height of the school hall. The height overpowers the Community Centre building. The Community Centre's height is sufficient for all activities, meaning the height of the hall is questionable. There is also concern at the hall and the associated landscaping's impact on the performance of the PV panels on the Community Centre's roof.

The Head of Strategic Infrastructure and Economy's Comments

58. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Need for the School

59. The proposal is for a new 1 form entry primary school accommodating reception to years 6. The site for the school was reserved as part of a Section 106 agreement between Malvern Hills District Council and Persimmon Homes attached to the planning permission (reference number: 04/00182/OUT) for the redevelopment of the former MOD north site. The applicant states that the school is required in order to accommodate pupils associated with new housing areas.

60. County Councillor Raine, Malvern Hills District Council, and Malvern Town Council support the principle of a primary school in the Malvern Vale housing area. Malvern Hills District Council comment that the school would form an important element of the sustainable mixed use development on this former MOD brownfield site.

61. Policy SWDP37 states that the provision of new community facilities (including schools) will be permitted, subject to satisfying the sequential test in the Framework where applicable. Furthermore, paragraph 72 of the NPPF states that the Government attaches great importance to ensuring a sufficient choice of school places is available to meet the needs of existing and new communities. Further to this, Planning Authorities should "give great weight to the need to create, expand or alter schools".

62. Taking in to account the provisions of the development plan, and the great weight attached to creating schools by the NPPF, the Head of Strategic Infrastructure and Economy considers that the development is acceptable in principle. However, the weight attached to the need for the school must be balanced against the other main issues.

Residential Amenity

63. The proposal is for a single storey school building measuring roughly 1355m² in area, hard play, a car park and soft landscaping. The main body of the school adjacent to Swinyard Road (the section with the sedum roof) would measure approximately 6 metres in height. The school hall would measure approximately 9.1 metres in height from ground level to the apex of the roof. 9 car parking spaces for staff are proposed as part of the development.

64. Consultees and letters of representation have expressed concern at issues associated with residential amenity. These are: the height of the school, litter around the housing estate, and maintenance of green spaces. These issues are addressed individually below.

65. Further to this, Worcestershire Regulatory Services have no objections.

Height of the school

66. County Councillor Raine and Malvern Hills District Council have expressed concern at the height of the school hall. Councillor Raine is concerned that the hall would restrict views of the Malvern Hills for nearby residents. The District Council consider that the hall would be unnecessarily high in the context of the Community Centre and be overbearing. Furthermore, they consider that the height may impact on the amenity of nearby residents.

67. Concern has been expressed in a letter of representation at the height of the main body of the school. They consider that the height of the school would constitute a negative visual impact and should be reduced to the minimum level required. Another letter is also concerned that the school hall would overpower the Community Centre in terms of height, and could impact on the performance of its PV panels.

68. Policy SWDP21, part iv. (Neighbouring Amenity), states that development should provide adequate levels of privacy, outlook, sunlight and daylight, and should not be unduly overbearing. Furthermore, part viii. of this policy (Scale, Height and Massing), states that the height of development must be appropriate to the setting of the site in terms of landscape character, townscape, and existing urban grain and density.

69. There are three main issues surrounding the height of the school to consider; the height of the main school building, the height of the hall, and the potential impact on the Community Centre's PV panels. In terms of the main school building, the applicant states that the height of 6 metres would be required to fulfil the design philosophy of natural cross ventilation, alongside accommodating standard servicing (including sprinklers). The applicant states it would not be possible to lower the roof without compromising the ventilation strategy. Furthermore, the height of this section of the school has been designed with a sedum roof, which is set at a lower level than a pitched roof, in order to minimise the impact on residential properties. The proposed school would be set back approximately 24.8 metres from the nearest property opposite on Swinyard Road (no. 115). Therefore, the Head of Strategic Infrastructure and Economy considers that the proposed height of roughly 6 metres would be acceptable in terms of Policy SWDP21 because it would not be unduly overbearing, restrict privacy, sunlight, or daylight. The impact on outlook towards the Malvern Hills would be negative compared to the present situation, but it is considered that this would be acceptable in terms of the policy.

70. In terms of the school hall, the applicant states that the height of the hall is dependent on the roof height of the main school building. This is because the roof has been designed with a pitch to match the profile of the adjacent Community Centre. Furthermore, the roof of the hall has been designed with a double pitch and with a low pitch angle of 15° in order to keep the ridge height as low as possible. In addition, the design philosophy required the school hall to be located adjacent to the Community Centre in order to provide a large space for use by the local community outside of school hours. In this regard, the height requirement for badminton, for example, is 7.5-9 metres. As the Community Centre does not provide space for activities such as this, the proposed school hall would complement the current leisure activities on the Malvern Vale site. Suspended light fittings are also proposed within the roof space of the hall, and a lower roof height would compromise this strategy.

71. In terms of the potential impact on the PV panels highlighted by a letter of representation, the applicant states that the hall has been located to the north east of the Community Centre, whereas PV panels rely on solar gain primarily from a southern aspect. The applicant's electrical engineer states that the Community Centre's PV panels are further south than the proposed hall roof. They stated that "there will be no shading on the Community Centre's roof due to the school's hall roof. As there will be no shading from the school hall, the performance of the Community Centre's PV's will be unaffected". In view of these comments, the Head of Strategic Infrastructure and Economy is, therefore, satisfied that there would be no adverse impact on the Community Centre's PV panels.

72. The Head of Strategic Infrastructure and Economy considers that a balance has to be struck between the perceived overbearing nature of the school hall in relation to the community centre, and the requirement for the hall to be located here in order to fulfil the design philosophy of the development. On balance, it is considered that the benefits of locating the hall here in terms of the design philosophy and sustainability credentials, combined with the practical demands of the pitched roof, outweigh the negative impacts. Further to this, the Head of Strategic Infrastructure and Economy considers that the hall would be acceptable in terms of residential amenity in accordance with Policy SWDP21 because it would not be unduly overbearing, restrict privacy, sunlight, or daylight. The height of the school is considered to be acceptable.

Litter around the housing estate and maintenance of green space

73. The proposed development would provide a new school for 210 pupils. A letter of representation expressed concern that these pupils would increase the amount of litter around the Malvern Vale estate as they commute to and from the school each day. Furthermore, the letter of representation suggested that the cost of maintaining the green space inside the boundaries of the Malvern Vale development is met by residents and questioned whether the appropriate authority would be making a contribution to the maintenance of the green space.

74. In terms of the development plan, Policy SWDP62 details that planning obligations will be sought to provide funding to mitigate negative impacts relating to specific developments.

75. The Head of Strategic Infrastructure and Economy notes the concerns raised about litter in the letter of representation. However, this is considered to be a management issue, rather than an issue for addressing within this application.

Members are, therefore, advised that this issue could be controlled through appropriate management of the behaviour of the school's pupils.

Traffic and Highways Safety

76. The proposed development would be accessed via Swinyard Road. Swinyard Road measures approximately 600 metres in length and runs between the junctions of Sayers Avenue to the south and Hill View Road to the north. The proposal would provide 9 parking spaces off the service access road at the south of the site for members of staff. The proposal would generate pedestrian and vehicle movements.

77. The County Highways Officer has no objections, subject to conditions. They comment that they anticipate the majority of trips to take place on foot. Furthermore, short term issues surrounding on street parking at pick up and drop off times are not considered to warrant the provision of dedicated parking. A travel plan would encourage sustainable access from pupils and staff. They also state that a condition should be added for the purposes of securing a disabled parking space on the school site. Councillor Raine raised concerns about the lack of car parking provision and arrangements for waiting at pick up and drop off times. He commented that dangerous short term parking and waiting must be avoided on Swinyard Road, and that it could cause considerable aggravation for local residents. Malvern Town Council comment that consideration must be given to adequate parking provision for staff and visitors.

78. Letters of representation raised significant concerns surrounding car parking provision and the impacts these would have on the Malvern Vale Housing area. Paragraph 57 of this report details these concerns, which include: inadequate parking provision for staff and parents, blocking on street parking for residents, 'chaos' at pick up and drop off, suggestions that the school would use the community car park despite opposition, and the potential danger arising from extra traffic.

79. Policy SWDP4: Moving Around South Worcestershire, requires new development to manage their travel demand in points A-F. Developments must demonstrate that they minimise the demand for travel, offer sustainable travel choices, and address road safety. Furthermore, part B of SWDP4 requires travel plans for all major developments (defined as those exceeding 1000m² floor space) in order to reduce private car use. The proposed school would create approximately 1356m² of floor space.

80. The Head of Strategic Infrastructure and Economy notes the legitimate concerns raised by the letters of representation, Councillor Raine, and Malvern Town Council. However, these concerns must be balanced against consultation advice received from the County Highways Officer, and the provisions of the development plan. In this regard, the County Highways Officer has raised no objections to the proposal on highways safety grounds. The County Highways Officer has also advised that the school would meet the County Interim Highways Standards adopted in February 2016. In terms of the development plan, the Head of Strategic Infrastructure and Economy considers that the proposal accords with the sustainable development aims of SWDP4. The proposed school would be located in an established residential area, which offers multiple sustainable travel choices including by foot, bicycle and public transport. The recommendation for a condition requiring a travel plan promoting travel to and from the school by means other than using a car would also accord with part B of SWDP4.

81. Furthermore, the Head of Strategic Infrastructure and Economy considers that the joint use of the 50 space community car park would have been an ideal arrangement. With regard to this, the applicant states that in the original planning application for the Malvern Vale development, it was always intended for the school to use of 25 of the 50 car parking spaces. It is considered that the issues raised regarding the potential use of the car park by parents are management issues for the school and the Community Centre to resolve through co-operation. Taking in to account the comments of the County Highways Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of traffic and highways safety.

Building Design

82. The proposed development would provide a new primary school built to the latest Government area allowances. The site is surrounded by residential buildings, and adjacent to the Malvern Vale Community Centre. The applicant's design and access statement states that it was a priority for the school to be designed as a single storey building due to the proximity to nearby residential properties.

83. Councillor Raine, Malvern Hills District Council and Worcestershire County Council's Sustainability Team welcome the sustainable design features of the proposal, as well as the renewable energy provision in the form of PV panels. Malvern Town Council state that renewable energy and sustainable design must be given priority. Malvern Hills District Council expressed concern at the following elements of the building's design: external materials, the entrance on the southern boundary, the colour and type of fencing, the plain and overbearing northwest elevation, and the location of the bin store. Councillor Raine also expressed concern at the location of the bin store as he considered it gave the development a utilitarian look. The County Health Improvement Practitioner recommends that an HIA is undertaken to inform the masterplanning and design process.

84. Policy SWDP21: Design, requires all development to be of a high design quality. In addition, the design and access statement must demonstrate that the objectives outlined in part A of the policy have been addressed. Further matters are required to be addressed in part B of SWDP21. Policy SWDP27 requires all new developments over 100 m² to incorporate energy generation from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements.

85. The Head of Strategic Infrastructure and Economy considers that, on the whole, the development would successfully meet the criteria outlined in Policy SWDP21. In particular, the sustainability aspects of the design (including the sedum roof, PV panel provision, and orientation for passive solar gain) accord well with Policy SWDP1: Overarching Sustainable Development Principles. Furthermore, the applicant states that the proposed PV panels would provide at least 10% of the building's predicted energy requirements as required by Policy SWDP27. In terms of the concerns regarding external materials, the colour and type of fencing, and the plain and overbearing northwest elevation, the Head of Strategic Infrastructure and Economy considers that these concerns could be adequately addressed to accord with SWDP21 using appropriately worded conditions requiring these details to be submitted for approval in writing by the County Planning Authority.

86. Regarding the north-west elevation specifically, the applicant states that the elevation for the hall would not usually have much detailing due to the uses required, for example assemblies using ICT and indoor sports. Furthermore, this wall of the hall is required to accommodate wall bars, which need a blank wall. However, the applicant states that there could be scope for enhancing this elevation. In addition, the applicant states that the fire exit door nearest to the Community Centre would no longer be required. They would, therefore, replace this fire exit with a window of equal size to maintain the visual interest the door would have offered. In view of the applicant's comments regarding this elevation, the Head of Strategic Infrastructure and Economy considers that the elevation would be acceptable, subject to the imposition of a condition requiring further details to be submitted for approval in writing.

87. In terms of the concerns over the entrance on the southern boundary with regards to child safety around pick up and drop off. The applicant states that this entrance would be used for pick up and drop off. However, the waiting space at this entrance could not be increased without compromising provision of the netball court. The applicant proposed a possible solution whereby the school could potentially allow parents to wait in the area occupied by the netball court, or possibly the service access road until their children are released by teachers. The Head of Strategic Infrastructure and Economy considers that the proposed use of the netball court or service access road as a waiting area for parents would be a pragmatic solution to the concern and is a management issue for the school.

88. With regard to the location of the bin store on the north-east corner of the proposed development, the Head of Strategic Infrastructure and Economy considers that, ideally, the bin store would be located to the rear of the development as suggested by the consultees. However, the applicant states that the bin store location was determined by its proximity to the servery and plant room, combined with the limited space for development at the rear of the building due to the need to provide a sprinkler tank and car parking spaces. Locating the bin store here would not be practical as staff would need to carry refuse through the school and up the service access road on to Swinyard Road. It is considered that the service access road would be unsuitable for refuse lorries in terms of safety, particularly as children would be crossing this area to access the playing field. Furthermore, the applicant states that the design of the bin store would screen the bins from public view with a wall of sufficient height. Having balanced the visual concerns against the practical and safety matters surrounding the bin store location, the Head of Strategic Infrastructure and Economy considers that the location of the bin store would be acceptable, subject to the imposition of a condition requiring details to be submitted for approval in writing by the County Planning Authority.

89. In terms of the County Health Improvement Practitioner's recommendation for an HIA, it is noted that Paragraph Reference ID: 53-004-20140306 of the Planning Practice Guidance states *that "a Health Impact Assessment may be a useful tool to use where there are expected to be significant impacts"*. The Head of Strategic Infrastructure and Economy notes these comments, and is supportive of the submission of HIA's in principle. However, it is considered that the submission of an HIA is not required in this instance and that it would have been more appropriate to have been carried out at the master planning stage for the wider residential / mixed-use development of Malvern Vale. Furthermore, it is noted that the submission of an HIA is not required by the recently adopted South Worcestershire Development Plan,

and there is currently no Supplementary Planning Document for the South Worcestershire Development Plan which requires an HIA.

90. Taking in to account the comments of the consultees and the provisions of the development plan, the Head of Strategic Infrastructure and Economy considers that the building design of the proposed development would be acceptable, subject to conditions requiring further details to be approved by the County Planning Authority.

Playing Field

91. The proposal would involve the school using the U11/12 playing pitch to the west of the site. It is proposed that the school would have exclusive and priority use at set times during the week and at the weekend. Furthermore, a 1800mm high gated fence is proposed between the U11/12 pitch and the adult pitch.

92. Sport England have no objections, subject to a condition securing community use of the U11/12 pitch. They also recommend that the fence between the pitches is not provided. Malvern Hills District Council objects to the provision of the fence between the pitches and do not accept that it is required for safeguarding reasons. Councillor Raine is concerned at the fence between the two pitches, commenting that security is already more than adequate and that a further fence would reduce the openness of the site and further damage the outlook towards the Malvern Hills.

93. In terms of the development plan, Policy SWDP39 requires long-term maintenance and management arrangements for all outdoor community uses on and off-site.

94. The Head of Strategic Infrastructure and Economy considers that the proposal for the school to use the playing pitch would be acceptable, subject to the condition recommended by Sport England in accordance with Policy SWDP39. In terms of the fence, the applicant states that it is required by the school for safeguarding children. The school needs to ensure that the safeguarding arrangements applied are rigorous and to the school's exacting standards. The school cannot guarantee that the Community Centre, or the YMCA, can adhere to these standards.

95. Weighing against this argument are the comments of Sport England, Malvern Hills District Council, and Councillor Raine. Other primary schools in the district rely on building level security and the safeguarding of children should be a matter of partnership and communication. The fence would restrict the flexibility of the site as a whole, and would negatively impact on the sense of openness further than the existing fence. Furthermore, the fence would restrict the rest and rotation of the pitches as recommended by the FA.

96. Taking in to account the concerns outlined above, the Head of Strategic Infrastructure and Economy considers that, from an aesthetic and functional point of view, no fencing would be preferable. However, it is recognised that safeguarding of children is a very important consideration for the school. On balance, the Head of Strategic Infrastructure and Economy considers that it would be preferable for a management solution to be devised allowing for safeguarding without the need for the fence.

Landscape Character and Appearance of the Area

97. The proposed landscaping scheme has been designed to provide a high quality external environment using the limited space available. The landscaping would consist of grass, shrubs and trees on the eastern and southern boundaries. Landscaping would also be incorporated in the courtyard area between the school and Community Centre.

98. The County Landscape Officer and the Malvern Hills AONB Partnership have no objections. Malvern Hills District Council have concerns regarding the landscaping proposals and the long term maintenance.

99. In terms of the development plan, Policy SWDP25 states that development proposals must demonstrate that they are appropriate to the character of the landscape setting.

100. Taking in to account the comments of the County Landscape Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would be appropriate to the character of the landscape setting in accordance with SWDP25. Furthermore, the proposal would not have an adverse impact on the Malvern Hills AONB. Taking in to account the comments from Malvern Hills District Council, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of landscape character, subject to the imposition of an appropriately worded condition.

Ecology and Biodiversity

101. The application is accompanied by a Preliminary Ecological Assessment. The assessment found no evidence of protected species on the site. A number of recommendations were made to enhance the ecological value of the proposal.

102. The proposal would incorporate a sedum roof and a planting scheme. The planting scheme would include a new avenue of trees to Swinyard Road. The combination of the planting scheme and the sedum roof would introduce areas of biodiversity to the site.

103. The County Ecologist, Natural England, and the Worcestershire Wildlife Trust have no objections, subject to conditions.

104. In terms of the development plan, Policy SWDP22 states that development should be designed to enhance biodiversity and, where practicable, enhance biodiversity corridors beyond the site boundary.

105. The Head of Strategic Infrastructure and Economy considers that the proposal would accord with Policy SWDP22. The sedum roof and planting scheme would significantly enhance the biodiversity of the site, whilst the condition recommended by the County Ecologist would ensure that the construction takes account of biodiversity. Taking in to account the comments of the consultees, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of ecology and biodiversity.

Water Environment

106. The application site falls within Flood Zone 1 which has a low probability of flood risk. The proposed development would occupy a site currently comprised of open

grassland. The proposal would incorporate a sedum roof designed to absorb up to 80% of rainfall for slow release. The development would also incorporate an existing below ground SuDS scheme.

107. The Lead Local Flood Authority, the South Worcestershire Land Drainage Partnership, and Severn Trent Water Limited have no objections to the proposal, subject to Severn Trent's conditions. Worcestershire County Council's Sustainability Team welcomes the sedum roof and offered a range of suggestions regarding the water environment.

108. The proposal would accord with Policies SWDP28, SWDP29 and SWDP30. The sedum roof and SuDS scheme would minimise flood risk and enhance biodiversity and amenity interest in accordance with Policy SWDP29. Furthermore, in response to the Sustainability Team's comments, the applicant states that it would be possible to locate a water butt adjacent to the sprinkler pump house. Taking in to account the comments of the consultees and the provisions of the development plan, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of the water environment.

Conclusion

109. On balance, in terms of the main issues to be considered in the determination of this application, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable.

110. In terms of need for the school, the development plan and the NPPF give significant weight to the need to create new schools. The need for the school has been established.

111. The proposal would also be acceptable in terms of residential amenity. The height of the school would not be inappropriate in terms of the development plan. Concerns regarding litter would be a management issue for the school.

112. The Head of Strategic Infrastructure and Economy notes the concerns regarding traffic and highways safety. The County Highways Officer has raised no objections. Parking provision would accord with Worcestershire County Council's Highway Standards adopted in February 2016. On balance, the proposal would be acceptable in terms of traffic and highways safety, and would accord with the sustainable travel policies of the development plan.

113. The proposal would accord with the development plan in terms of building design. The design philosophy accords with many sustainable design principles. Concerns regarding materials and elevations would be addressed through the imposition of appropriately worded conditions.

114. In terms of the playing field, Sport England's condition would ensure community use in accordance with the existing S106 agreement. The Head of Strategic Infrastructure and Economy considers that the proposal to fence and separate the junior and adult pitches would not be the ideal situation and would prefer a management solution, although the important consideration of the need to safeguard children is acknowledged.

115. The proposal would be acceptable in terms of landscape character and appearance of the area. Concerns regarding the maintenance of the landscaping would be addressed through a condition.

116. In terms of ecology and biodiversity, the proposed sedum roof and landscaping weigh significantly in the proposal's favour, and accord with the development plan. Therefore, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of ecology and biodiversity.

117. The proposal would be located in Flood Zone 1 (a low risk zone). Consultees have no objections in terms of the water environment. The proposal would, therefore, be acceptable in terms of the water environment.

118. Taking in to account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 2, SWDP 4, SWDP 21, SWDP 22, SWDP 23, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 33, SWDP 37, and SWDP 39, and SWDP 62 of the South Worcestershire Development Plan it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

119. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the proposed construction of a new single storey 1 Form Entry Primary School accommodating Reception to Years 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire, WR14 1GU, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) Planning permission enures for the benefit of Worcestershire County Council only;**
- c) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered: BW10100L A-DG-0006 Rev. C, BW10100L A-DG-0100 Rev. D, BW10100L A-DG-0101, BW101001L A-DG-0106, BW10100L A-DG-0201 Rev. A, BW10100L A-DG-0202 Rev. A, BW10100L A-DG-0203, and BW10100L A-M3-0250 except where otherwise stipulated by conditions attached to this permission;**

Details

- d) Notwithstanding any indication of the materials, which may have been given in this application, prior to the construction of the development hereby approved, a schedule and/or samples of the materials and finishes for the development shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**
- e) No development shall take place until a schedule and or samples of all surfacing materials has been submitted and agreed in writing by the County**

Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

- f) No development shall take place until details of the external bin store have been submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- g) No development shall take place until design details for the school's north-west elevation have been submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- h) Notwithstanding the submitted details, details of all site boundary walls and fences shall be submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- i) Details of any lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:-**
 - i. Height of the lighting posts**
 - ii. Intensity of the lights**
 - iii. Spread of light (in metres)**
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare; and**
 - v. Times when the lighting would be illuminated;**

Drainage

- j) The development shall be carried out in accordance with the drainage strategy outlined in section 2.9.3 of the document titled "Design & Access Statement for a New 1 FE Primary School";**

Landscaping

- k) Notwithstanding the submitted details, prior to the completion of the development, a landscaping scheme, which shall include the retention of any existing trees and hedgerows and details of all walls, fences, surface treatments, new trees, shrubs and other planting, and details of the proposed planting species, sizes, spacing, densities, locations, planting methods and details of the provision of adequate growing medium and drainage shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details within 6 months of the completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;**

Ecology and Biodiversity

- l) In the unlikely event that any protected species are found on the site during the works then all works must cease immediately and the advice of a suitably qualified ecologist must be sought prior to works re-commencing;**
- m) No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority;**
- n) Within 6 months of the completion of the development, specifications for site enhancement, in line with Appendix 4 of the Preliminary Ecological Appraisal submitted with this application, should be submitted to the County Planning Authority for approval in writing. Thereafter, the specifications shall be implemented in accordance with the approved details within 3 months of approval being received. Enhancement measures will be maintained appropriately for a period of no less than 5 years after the installation of the approved measures;**

Playing Field

- o) Prior to the occupation of the development hereby approved, a joint use agreement between the primary school governing body and the District Council shall be entered into following approval in writing by the County Planning Authority in consultation with Sport England. The agreement shall apply to the Junior sized football pitch and include details of pricing policy, hours of use, management responsibilities and a mechanism for review. The approved scheme shall be implemented in accordance with an agreed timetable;**

Highways

- p) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority a travel plan that promotes sustainable forms of access to the site. The approved plan shall be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator;**
- q) The development hereby permitted shall not be brought into use until the access, turning area, and parking facilities shown on drawing number "BW101100L A-DG-0100 Rev. D: Ground Floor Plan" have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the County Planning Authority. These areas shall thereafter be retained and kept available for users at all times;**
- r) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County**

Planning Authority details of 1 accessible car parking space for use by the disabled. The space shall be satisfactorily identified and reserved solely for that purpose;

- s) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority details demonstrating that a cycle shelter has been installed in accordance with the drawing titled "BW10100L A-DG-0106 Rev. A: External Works – Proposed Fencing and External Signage" submitted to the County Planning Authority on Friday 3 June 2016;**

Construction

- t) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays or Bank Holidays; and**
- u) No development shall take place until details of measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved measures.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Case Officer: Joshua Scholes, Planning Officer

Tel: 01905 844485

Email: jscholes@worcestershire.gov.uk

Mark Bishop, Development Control Manager

Tel: 01905 766709

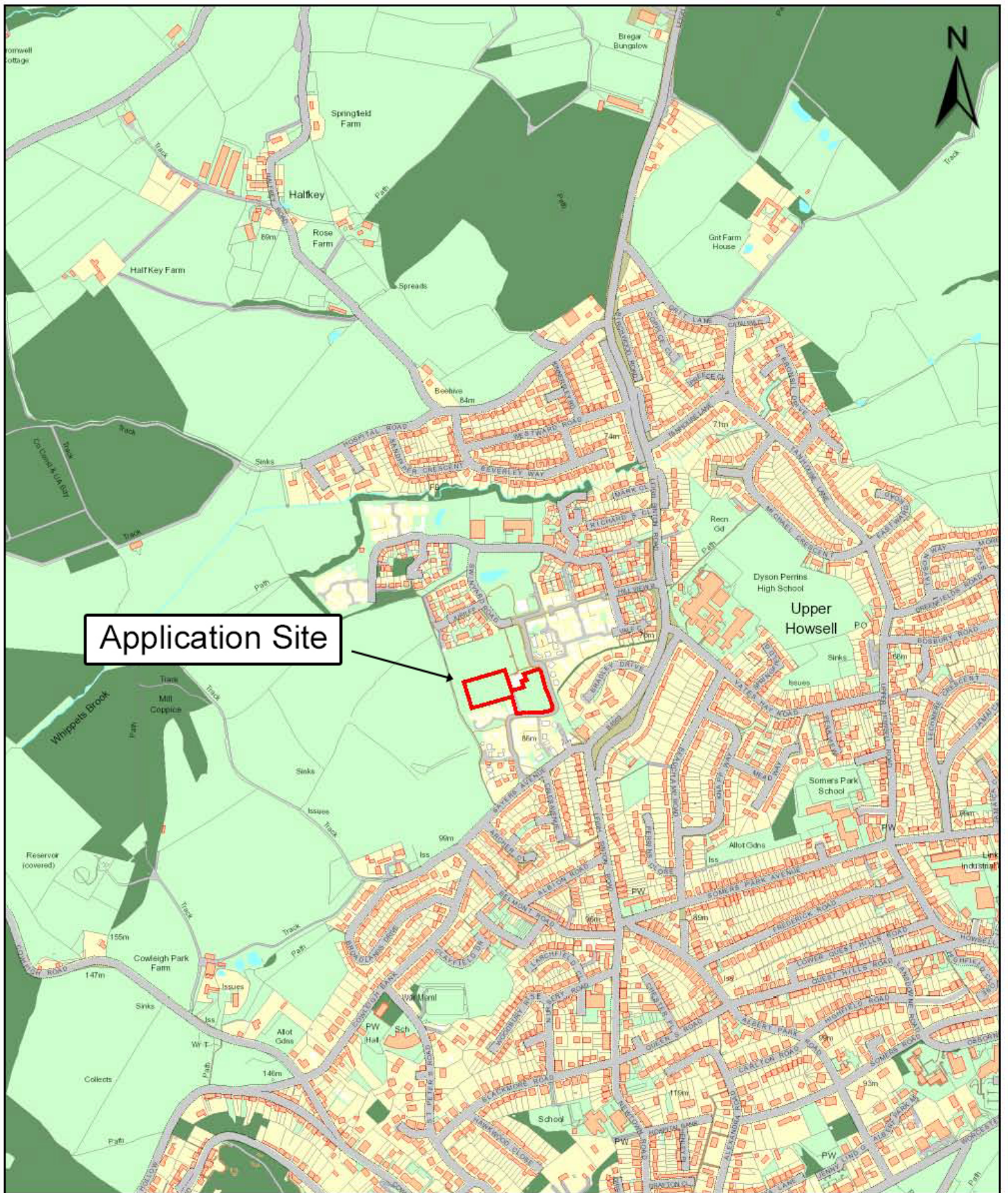
Email: mbishop@worcestershire.gov.uk

Supporting Information

Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 16/000004/REG3.



Application Site



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Ordnance Survey 100024230.

Indicative Scale: 1:10,000

Date Printed: 6/9/2016

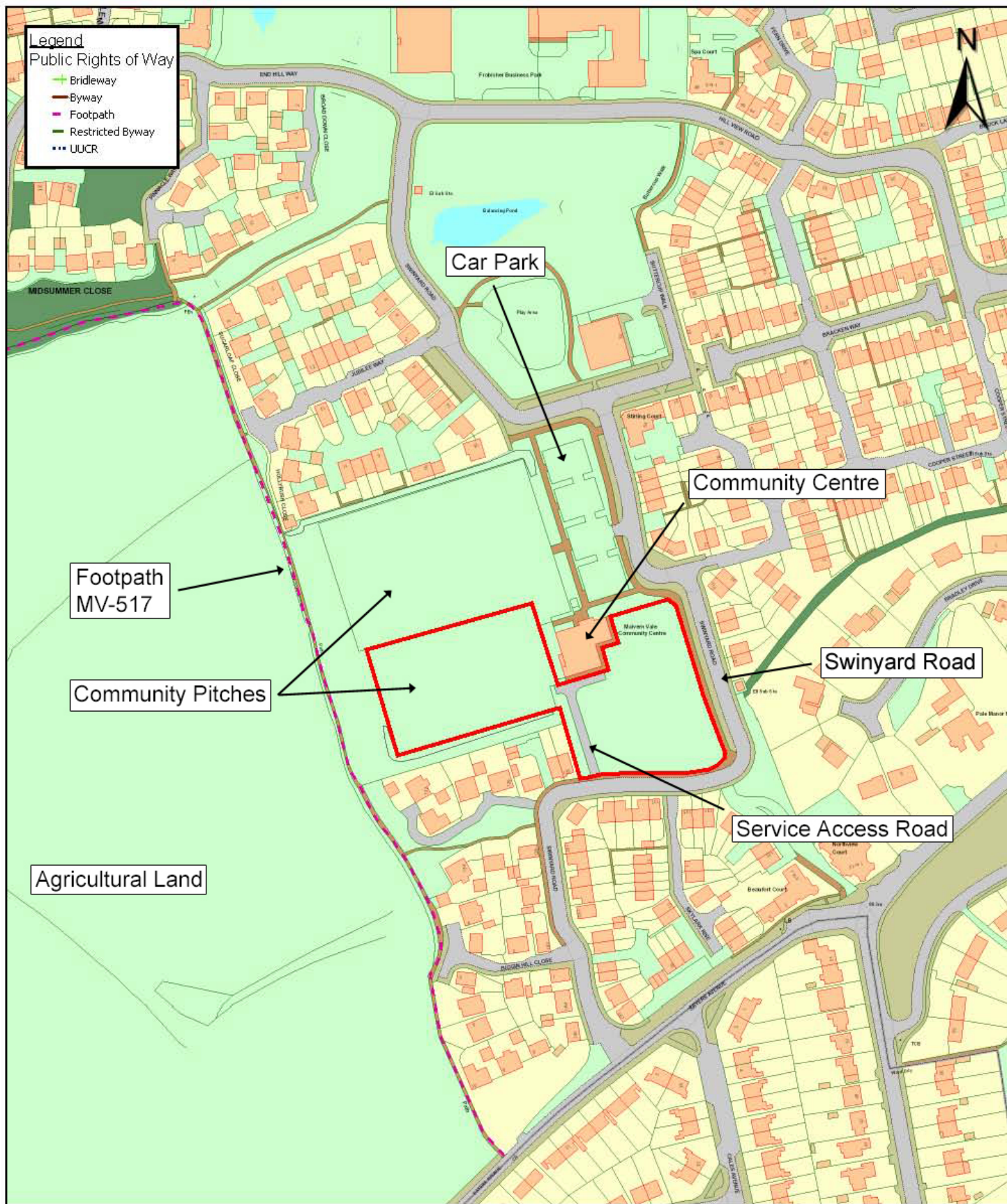


Proposed new single storey 1 Form Entry Primary School accommodating Reception to Years 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire, WR14 1GU Ref: 16/000004/REG3



Worcestershire County Council
County Hall
Spetchley Road
Worcester
WR5 2NP

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0 10 50 100 metres

Proposed new single storey 1 Form Entry Primary School accommodating Reception to Years 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire, WR14 1GU
Ref: 16/000004/REG3

worcestershire
county council

Worcestershire County Council
County Hall
Spetchley Road
Worcester
WR5 2NP

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U11-U12 FOOTBALL RECREATIONAL PITCH SIZE INCLUDING RUN OFF: 71.91 X 45.66 min; 88 x 56.77 MAX.

MAIN BUILDING GROSS INTERNAL AREA: 1292sqm

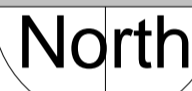
SPRINKLER SERVICES COMPOUND GROSS INTERNAL AREA: 64sqm

KEY STAGE 2 OUTDOOR PLAY AREA 1426sqm

15.25x30.5m NETBALL COURT INCLUDING RUN OFF

By Room Name Legend

- BMA
- Cloaks
- Corridor
- DT Room
- Elec Str
- Group Room
- Interview
- Library
- Lobby
- Main Hall
- Office
- Plant Room
- PPA Room
- Reception
- Repr
- SENCO
- Server Room
- Servery
- Sick Bay
- Sprinkler Pump Rm
- Sprinkler Tank
- Staff Room
- Staff WC
- Store
- Str
- WC
- Year 1
- Year 2
- Year 3
- Year 4
- Year 5
- Year 6



Rev	Date	Description	Drawn	Issued	Rev'd	Apr'd
D	10.03.2016	Layout amended to accommodate services				
C	04.02.2016	Revisions made to KS1 area Classrooms and Group Room				
B	01.02.2016	Redevelopment work in order to reduce building area				
A	26.01.2016	Building redesigned further to additional information regarding land ownership				

Revision Schedule



Client
Worcestershire County Council/ Mercian Educational Trust

Project
Malvern Vale Primary School

Drawing title
Ground Floor Plan

Drawing Status
PRELIMINARY

Scale
 1 : 200 DO NOT SCALE

Jacobs No. BW10100L

JPI No. BW10100L A-DG-0100

Drawing Number **BW10100L A-DG-0100** Sheet No. Rev **D**

This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.

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1 External Classroom Space



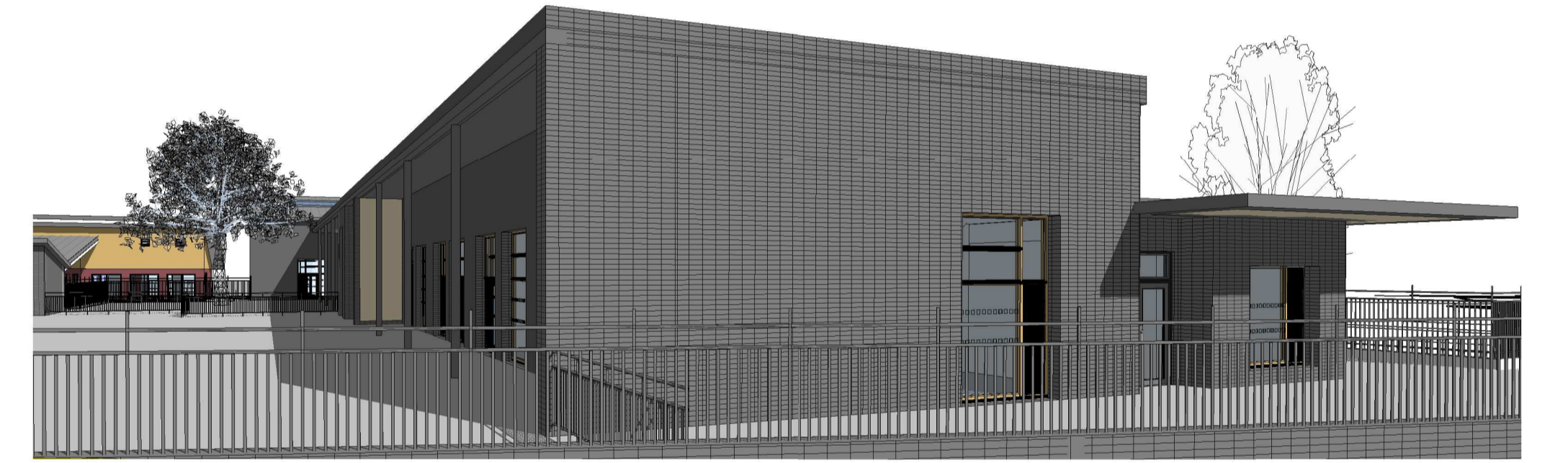
2 View from North West



3 Aerial View from the South



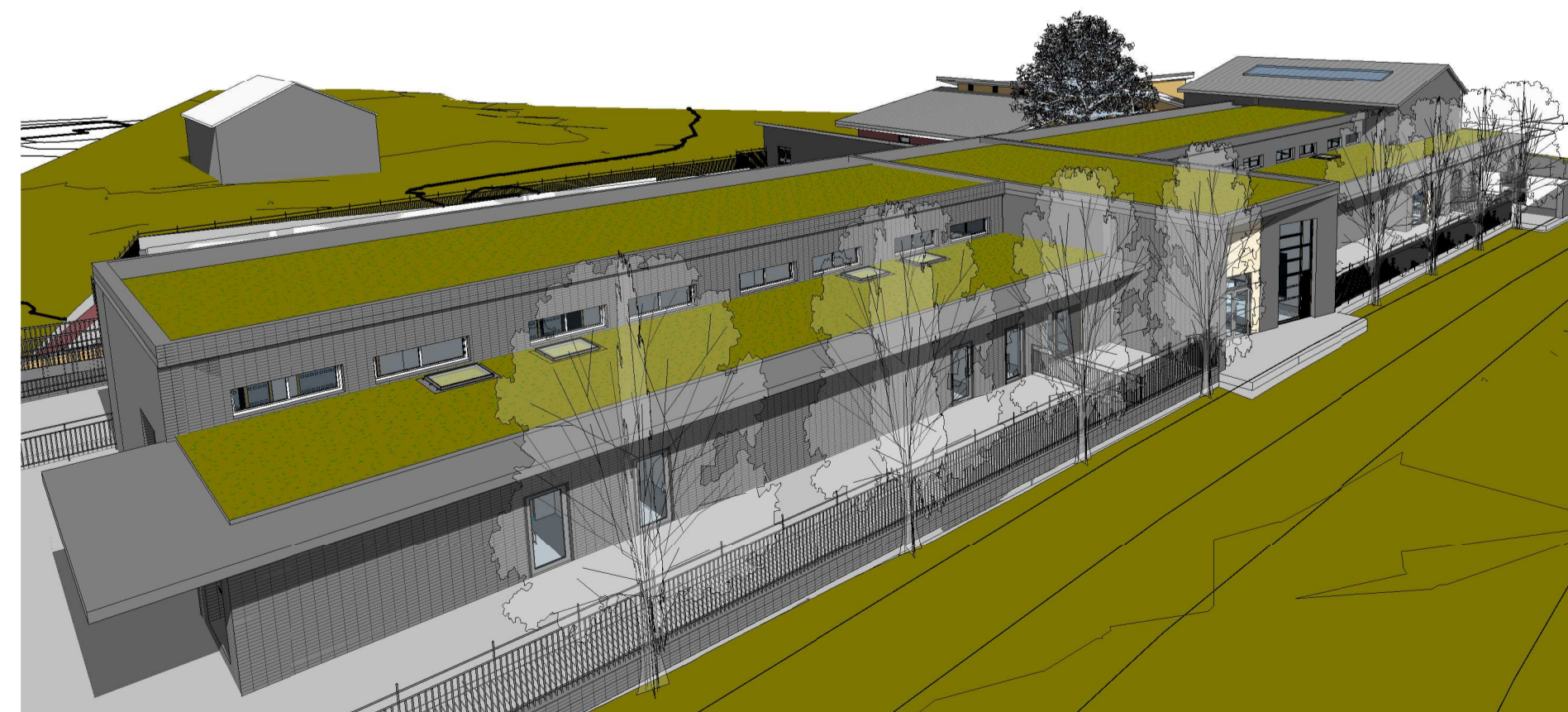
4 Aerial View from the South West



5 KS2 Block Side Entrance



6 View from South East Corner



7 South East View



8 Main Entrance North East View

Rev	Date	Description	Drawn	Issued	Rev'd	Apr'd
Revision Schedule						
JACOBS™						
Client Worcestershire County Council/ Mercian Educational Trust						
Project Malvern Vale Primary School						
Drawing title 3D Model Images						
Drawing Status						
Scale						DO NOT SCALE
Jacobs No.						
JPI No. BW10100L A-M3-0250						
Drawing Number BW10100L A-M3-0250						Sheet No.
						Rev
This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.						

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**PLANNING AND REGULATORY COMMITTEE
20 SEPTEMBER 2016****PROPOSED FORMATION OF AN EARTH BUND
CONTAINING ABOUT 150,000 TONNES OF SOILS ON
LAND TO THE SOUTH OF B4636 AND EAST OF M5
MOTORWAY, SPETCHLEY, WORCESTERSHIRE**

Applicant

Berkeley & Spetchley Estates

Local Member

Mr R C Adams

Purpose of Report

1. To consider a County Matter planning application for the formation of an earth bund containing about 150,000 tonnes of soil on land to the south of B4636 and east of M5 Motorway, Spetchley, Worcestershire.

Background

2. Members of this Committee will recall that at their meeting on 22 March 2016 (Minute 934 Refers) the applicant requested that consideration of this proposal be deferred so that they could reconsider the proposal; provide further information on the Waste Core Strategy and to overcome the objections from Highways England. Highways England had put in a holding objection to the application. In light of the holding objection from Highways England, Members would have only been able to refuse permission or be minded to grant permission subject to consultation with the Secretary of State. It was agreed that consideration of the application be deferred.
3. The applicant has now made minor amendments to the application and submitted further information in respect to Highways England's comments and the Worcestershire Waste Core Strategy.

The Proposal

4. The applicant is seeking planning permission for the formation of an earth bund from excess soils arising from the proposed Worcester Woods Retail Park development on land bound by Nunnery Way (A4440), Newtown Road (B4636) and Charles Hastings Way located approximately 200 metres west of the site (District Ref: P14Q0562, refused planning permission on 22 June 2016); and the Worcester 6 site, off Pershore Lane (A4538) situated about 100 metres north of the site (Wychavon District Council Outline Planning Permission Ref: 14/02524 and subsequent Reserved Matter applications – 16/00575/RM and 16/00912/RM).

5. The applicant states that although the Worcester Woods Retail Park development has been refused planning permission by Worcester City Council (District Ref: P14Q0562) the applicant does not intend to amend the bund proposals as there is a possibility of either a resubmission or appeal, stating that a planning condition that limits the permission to the acceptance of only inert waste from the Worcester 6 site and the Worcester Woods Retail Park would ensure the bund could not be used for any other purpose.

6. The applicant is proposing to construct the bunds in four phases, running sequentially from south to north. Should the retail park not be allowed on appeal or any subsequent amended planning applications be refused, then the applicant has confirmed that the proposed bund would be constructed shorter in length, due to the reduction in source material. The applicant considers that it is likely that phases 1 and 2 and majority of phase 3 of the bund development would be served by soil arising from the Worcester 6 site.

7. The applicant states that the purpose of the bund is to provide a receptor site for the soils to be removed as part of these construction projects. The bund would be constructed from up to 90,000 cubic metres of soils (both topsoil and subsoils), equating to approximately 150,000 tonnes. The applicant estimates that the retail park development would generate about 35,000 cubic metres of soils, equating to approximately 56,000 tonnes; and the Worcester 6 site would generate approximately 55,000 cubic metres, equating to about 80,000 tonnes. The applicant notes that the proposed landform of the bund has been designed to accept up to 150,000 tonnes to allow for a possible increase in waste soils; and to allow for changes in the weight of soils depending on their moisture content.

8. The proposed bund would have a maximum gradient of 1 in 4, with a maximum height of 4.5 metres. It would have an overall length (extent of works) of approximately 920 metres and a maximum width of approximately 180 metres. It would essentially comprise three separate bunds, the southern bund would run northwards from the A44 to the Woodland block known as 'The Tack'. This southern bund would measure about 280 metres long by 120 metres wide (extent of works). The central bund would run northwards from the northern side of 'The Tack' to the Public Right of Way (Bridleway SE-534) and the extent of works would measure approximately 410 metres long by 140 metres wide. The northern bund would run north/north-eastwards from Bridleway SE-534 and the extent of works would measure about 230 metres long by a maximum of 180 metres wide. Upon completion of the bund it would be planted along the eastern slope with native woodland planting, while the surrounding land would be returned to arable agricultural land. Access to the site would be via the existing private road/agricultural access/Bridleways SE-534, SE-535, SE-536 and SE-537 of Withy Wells Lane, which leads off Pershore Lane (A4538), past Withy Wells Farm.

9. The applicant has reviewed the proposed HGV movements and now anticipates that the total HGV movements from both the retail park and the Worcester 6 site to the proposed development would result in a total of approximately 16,666 vehicle movements (about 8,333 vehicles entering the site and 8,333 vehicles exiting the site). This is an increase on the previous vehicle numbers by about 1,666 HGV movements due to 18 tonne tipper trucks being used, rather than 20 tonne tipper trucks being used. The speed at which the soils could be excavated is estimated to be between 6 and 15 loads an hour (about 12 to 30 HGV

movements per hour). This equates to approximately 96 HGV movements per day to 240 HGV movements per day. In addition, at the beginning and end of the project, a small number of low-loaders (measuring about 15 metres long and 80 tonne capacity) would be used to deliver construction vehicles. During the construction period, personnel would use car and vans to access the site on a daily basis. The applicant estimates that it would take about 4 years to construct the bund.

10. The applicant has confirmed that the majority of the mature trees and hedgerows on the application site would be retained, including the Woodland of 'The Tack', except for the hedgerow with gaps which separates the southernmost two fields.

11. The site working hours are proposed to be between the hours of 07:00 to 19:00 Mondays to Saturdays.

12. On completion of the HGV movements along the Withy Wells Lane the applicant is now proposing that this Lane would be reconstructed and resurfaced to ensure its suitability to public users, in particular cyclists, given that it forms a local cycle route and Bridleways.

The Site

13. The proposed development site, which is approximately 13.8 hectares in area, is a long, strip of arable agricultural land, measuring approximately 1,000 metres in length and a maximum of about 200 metres wide, located immediately to the east of the M5 Motorway between Junctions 6 and 7. Worcester City Centre is located approximately 3.2 kilometres to the west, and the Village of Whittington is located about 1.1 kilometres south-west of the proposal. The villages of Tibberton and Crowle are located approximately 2.3 kilometres north and north-east of the application site, respectively. The site is bound to the north by the B4636 and to the south by the A44. Worcester live stock market is located approximately 65 metres west of the proposed development on the western side of the M5 Motorway. The development site comprises agricultural land and is currently accessed via the private road/agricultural access off the A4538. Immediately to the south of this private road/agricultural access is a woodland block known as 'King's Wood'. A further small woodland block, known as 'The Tack' is also located adjacent to the centre of the proposed bund. North Hill, a local high point within the applicant's estate lies about 520 metres to the east of the proposal, with small woodland blocks occurring within the wider landscape beyond.

14. A number of Public Rights of Way are located within the application site and the surrounding area. In particular Bridleways SE-534, SE-535, SE-536 and SE-537 run along the private road/agricultural access leading westwards from the A4538. This route is also forms part of a local cycle network. Footpaths SE-540, SE-505 and SE-527 also adjoin these Bridleways. The site is located within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. A 132kV overhead powerline runs north to south on the western side of the M5 Motorway, located about 100 metres west of the proposal; and an 11kV underground powerline crosses the access road to the west of King's Wood.

15. Lyppard Grange Ponds Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) is located approximately 830 metres north-west of the development site. A number of Local Wildlife Sites (LWSs) are located within 1 kilometre of the proposed development, this includes: Hornhill Meadows LWS and Nunnery Wood LWS, which are sited about 320 metres and 730 metres west of the site, respectively. Spetchley Deer Park & Plantation Meadows LWS is also located approximately 740 metres south-east of the proposed development. The Ancient Woodland of Nunnery Wood is situated about 730 west of the development site.

16. The Grade II* Historic Park and Garden of Spetchley Park is located about 135 metres south of the proposal. The nearest Listed Building is that of Cudleigh Court Farmhouse a Grade II Listed Building sited about 450 metres east of the site. There are also a number of Listed Buildings within the wider landscape, with about 21 Grade II and Grade II* Listed Buildings within approximately 2.2 kilometres of the site.

17. The nearest residential properties are those of Cornmill Barn located about 170 metres south of the proposed development along the U47646, accessed via the A44. Further residential properties are located along U52044, also located off the A44, sited about 175 metres south-west of the proposal. The nearest properties to the east are those of Cudleigh Court Farm, located about 320 metres away. Further dwellings are sited along Dunmow Avenue, Fowler Avenue, Howlett Place and Towneley located approximately 250 metres to the west of the proposal. The development site is wholly located within Wychavon District, with the M5 Motorway forming the District boundary with Worcester City.

Summary of Issues

18. The main issues in the determination of this application are:

- The waste hierarchy
- Landscape character and appearance of the local area
- Residential amenities (including noise and dust emissions)
- Ecology and biodiversity
- The water environment
- Traffic, highway safety and impact upon the Public Rights of Way, and
- Economic impact.

Planning Policy

National Planning Policy Framework (NPPF)

19. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

20. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

21. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

22. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving the Historic Environment

National Planning Policy for Waste

23. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

24. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

25. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 5: Landfill and disposal

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan (SWDP)

26. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016. The SWDP policies that are of relevance to the proposal are set out below:

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 3 Employment, Housing and Retail Provision Requirements and Delivery

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 5 Green Infrastructure

Policy SWDP 6 Historic Environment

Policy SWDP 8 Providing the Right Land and Buildings for Jobs

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character

Policy SWDP 28 Management of Flood Risk

Policy SWDP 29 Sustainable Drainage Systems

Policy SWDP 31 Pollution and Land Instability

Policy SWDP 32 Minerals

Policy SWDP 45 / 6 Directions for Growth Outside the City Administrative Boundary / Worcester Technology Park (South Phase) (20.32ha)

Other Material Planning Considerations

Waste Management Plan for England (2013)

27. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

28. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

29. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

30. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

31. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

The Government Review of Waste Policy England 2011

32. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012

33. This sets out the LEP vision, which is to “create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond”. It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes ‘Objective 4: Planning, Development and Infrastructure’.

34. Objective 4 states that “*the LEP will work with key partners to deliver Worcestershire’s strategic employment sites as a priority for inward investment as well as indigenous business expansion*”. The list of key projects includes the development of the “*Worcester Tech Park and M5 J6/7 Corridor*”. The Worcester Tech Park has been renamed ‘Worcester 6’.

Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)

35. The Strategic Economic Plan's (SEP) vision and strategic framework is to ensure that Worcestershire's economy grows even more rapidly and makes an

increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 250,000 jobs and to increase GVA by £2.9 billion.

36. The SEP sets three objectives:

- Create a World Class business location
- Provide individuals with World Class Skills, and
- Develop World Class competitive and innovative business.

37. For each objective the SEP sets opportunities and challenges, for the 'Create a World Class business location' objective, 'Economic Game Changer sites' are identified as an opportunity. Four initial 'Game Changer' sites were selected; this includes the 'Worcester Growth Corridor', which includes the Worcester 6 site (Worcester Technology Park). It states that "the WLEP working with the County Council and Districts has developed the Worcestershire 'Game Changer Programme' to identify key development opportunities, coordinate public sector activity and work with private sector partners to deliver schemes with a significant sustainable economic impact... This Programme will focus on the delivery of sites of regional significance, which occupy strategic locations within their markets and provide major opportunities to lever market-led investment and deliver growth and jobs".

Consultations

38. **Spetchley Parish Council** has raised no objections to the proposal.

39. **Tibberton Parish Council (Neighbouring Parish Council)** comments that they are concerned about the traffic disruption and associated highways issues on an extremely busy thoroughfare, especially at commuter times, and request that consideration is given to scheduling heavy construction vehicle movements outside the peak commute time periods. The Parish Council expressed concern about the volume of heavy traffic which will be using Wither Wells Lane for a 15 month plus period.

40. They note that the remains of old Warndon Wood are located within the application site and request that the woodland is protected and retained. If the proposed earth movements affect the hydrological systems, or the root systems of the trees, then even if the woodland is not actively destroyed it would not survive the development process. In addition, there have already been instances of the unauthorised removal of trees from the development and surrounding area. The Parish Council ask the County Council to ensure that there are no further incidents of that nature.

41. The Parish Council are disappointed that the proposed development is not more sympathetic to the landscape character, noting that Worcester 6 aspires to be the jewel in Worcestershire, but the proposed development does not improve or work with the existing landscape. Should planning permission be granted the Parish Council request that conditions are imposed requiring regular road cleaning;

42. **Wychavon District Council (Planning)** has no objections to the proposal, subject to the County Planning Authority being satisfied that the proposal complies with Policy WCS 5 of the Adopted Worcestershire Waste Core Strategy; that there are no unresolved objections from statutory consultees including Highways England; and no objections from neighbouring residents. It would be expected that appropriate conditions are imposed on any planning permission which would help mitigate any potential negative impacts of the development. It is requested that consideration is given to Wychavon District Council Landscape Officer's comments.

43. **Wychavon District Council (Landscape Officer)** comments that the most visible and, therefore, sensitive part of the site is the north-west corner of the site, where the site is at its lowest point. This section of the proposal contains some of the proposed highest area of the bund (over 4 metres in height), such that the new landform may look rather 'engineered'. Notwithstanding this, the artificial 'engineered' landform to the north-western corner would be less appreciable as the planting that is proposed matures and starts to mask the landform beneath, but in the interim it would look rather severe, despite the applicant amending the proposals from a 1 in 3 slope to a 1 in 4 slope. However, they are satisfied that the planting would provide a satisfactory softening of the earthworks. They are satisfied with the planting scheme proposed, noting that pine trees have been considerably reduced and the blocks of planting are now more 'organic' in shape.

44. The proposals would be highly visible from the Public Right of Way which crosses the site, but the proposed planting would serve to further screen the M5 Motorway from the footpath. In views from the wider footpath network, the proposed planting would tie in with other woodland blocks in the landscape and would help to visibly connect them.

45. In terms of landscape character, the site falls within the Landscape Type Principal Timbered Farmlands as identified in the County Landscape Character Assessment. Primary identified Key Characteristics include 'ancient wooded character' and Landscape Guidelines for the Landscape Type include 'encourage the planting of new woodlands, reflecting the scale, shape and composition of the existing ancient woodland character, favouring oak as the major species' and 'seek opportunities to enhance tree cover along highways'. Therefore, the proposal for woodland planting would not be at odds with the identified landscape character in principle.

46. They recommend the imposition of a condition requiring planting for each phase to be carried out in the first available planting season following completion of that phase; and that any failures of planting within five years of first planting are replaced.

47. **Wychavon District Council (Conservation Officer)** has no objections, stating that this application within the Spetchley Estate does not affect the registered boundary of the historic park and garden.

48. **Worcester City Council (Neighbour District Council)** has made no comments.

49. **Worcestershire County Council Minerals and Waste Management Planning Policy Officer** objects to the proposal as it is considered contrary to the vision, objectives and policy of the adopted Worcestershire Waste Core Strategy.

50. The Planning Policy Officer raises significant concerns that the applicant has misinterpreted the content of the Worcestershire Waste Core Strategy, commenting that the planning application states that the Waste Core Strategy refers to a shortage of sites or capacity to manage the type of waste in question, namely inert excavation waste. This is not the case. Whilst a capacity gap was identified for re-use and recycling and 'other recovery' facilities, it is considered that it is not likely that the inert excavation waste subject of this application could be managed at such facilities.

51. As such, it is considered that the relevant consideration is whether there is sufficient landfill or disposal capacity for this type of waste. Table 3 of the Waste Core Strategy clearly shows that no capacity gap was identified for disposal and landfill, and Table 4 of the Waste Core Strategy shows that no capacity gap is anticipated during the lifetime of the Strategy.

52. The Planning Policy Officer has reviewed these assumption, and states that Indicator W23 in the 2013-2014 Minerals and Waste Annual Monitoring Report (AMR) shows that the Environment Agency's "waste data tables" showed that in 2013 there was 2,964,000 cubic metres of void space for inert landfill within Worcestershire. The 2014-2015 AMR (currently in draft but due for publication imminently) shows that in 2014 there was 2,957,850 cubic metres of void space for inert landfill in Worcestershire. Figure 6.1. of the 2014-2015 AMR shows that cumulative landfill is approximately 36% below the projections in the Waste Core Strategy, meaning that Worcestershire is unlikely to experience a capacity gap for this type of waste before the end of the Strategy period (2027).

53. The applicant has stated that "*there are currently no sites identified within the county to receive up to 90,000 cubic metres waste soils*". However, no evidence has been submitted in the application to illustrate what effort has been made to identify any such sites or the reasons that any sites which have been shown above to have capacity for this type of waste are unable to accept it. We consider that such information is crucial to the consideration of the principle of the proposed development.

54. Should no such capacity be available within Worcestershire, it is considered that disposal at an existing site beyond the county boundary would be more appropriate rather than the creation of a bund specifically to service two developments. The application states that "*waste authorities should be self-sufficient in dealing with waste arisings*". Whilst this aim is true to some degree, it does not reflect the complex nature of the waste management industry. Worcestershire's Waste Core Strategy seeks to achieve "equivalent self-sufficiency", meaning that provision is made in the Waste Core Strategy to manage a volume of waste equivalent to the county's arisings, but not necessarily precluding cross-boundary movements where that is the most appropriate option.

55. It is considered that there is no overriding economic imperative for this proposal to be granted. Appropriate disposal of waste must be considered to be an essential component of the design and business case for any development. No

overriding factors have been demonstrated in this case, and it is considered that the wastes including soils arising from the Worcester 6 Site and Retail Park development should be appropriately disposed of, as would be expected of all developments in the county.

56. **Historic England** has no objections, stating that this planning application should be determined in accordance with national and local policy guidance. They recommended that the specialist conservation advice of the District Council's Conservation Officer should be sought.

57. **Garden History Society** has made no comments.

58. **Hereford and Worcester Garden Trust** has made no comments.

59. **The County Archaeologist** has no objections, subject to the imposition of conditions requiring a programme of archaeological monitoring and recording in order to investigate and record any archaeological remains that may be exposed, damaged or destroyed by the development.

60. They note that the applicant has not submitted any form of baseline historic environment assessment with the application. The County Archaeologist has examined the Worcestershire Historic Environment Record which indicates that there are no known heritage assets within the development area, but equally that very little archaeological work has been undertaken in the wider area to date and none within the site itself. The apparent absence of any known heritage assets within the proposed development is, therefore, potentially a reflection of the lack of archaeological work in the area to date as opposed to a genuine absence of any remains.

61. **The Environment Agency** comments that due to the volume of material the regulatory options available to the applicant are to either apply for a bespoke deposit for recovery permit. Bespoke permit applications will require a site specific risk assessment. Prior to the determination of a permit, a waste recovery plan is required which is assessed for the suitability of the activities. The Regulatory Guidance Note No.13 -'Defining waste recovery- permanent deposit of waste on land' which supports the process is currently under review and will be replaced shortly. The main change would be that applicants would be required to confirm if the project would continue using non-waste material.

62. Alternatively, the project could be carried out under the Cl:aire (Contaminated Land: Applications in Real Environments) Code of Practice

63. The code of practice allows the use of excavated materials during the remediation and development of land and applies to excavated materials that are:

- Reused on the site of production
- Transferred between sites and reused directly without treatment, or
- Transferred between sites and reused following treatment, as part of a cluster project.

64. The Code of Practice explains the lines of evidence that are needed to demonstrate that the excavated materials are not, or have ceased to be waste. Any

material that requires treatment to make it suitable for its intended use is considered to be a waste and as such waste controls apply.

65. In all circumstances any waste activity should be carried out in accordance with Duty of Care. Waste should be stored, handled, and transported ensuring there is no detriment to the environment or harm to human health. Where necessary waste transfer notes should be produced, completed in sufficient details and retained by all the relevant parties.

66. As the proposals are in Flood Zone 1, the Environment Agency refers the County Planning Authority to their standing advice and expect liaison with the South Worcestershire Land Drainage Partnership and Lead Local Flood Authority.

67. In response to the applicant submitted a Supplementary Planning Statement, the County Planning Authority sought the views of the Environment Agency on the inert landfill figures provided by the applicant. The Environment Agency confirmed that this application appears to be seeking a convenient disposal point for inert construction waste from projects in the locality. This makes it a simple landfill disposal activity. There appears to be no other justification proposed. This puts the proposed use at the bottom of the Waste Hierarchy as the least preferred option. Waste management options arising from the construction projects referred to (Worcester Woods Retail Park and Worcester 6 site) could have better been evaluated as part of those proposals rather than requiring a separate proposal for landfill disposal.

68. The Landfill Tax is designed to deter landfill activity, with waste being diverted where necessary to other useful construction or recovery applications rather than just being disposed of. Inert waste is, therefore, not normally directed to landfill on economic grounds even if there is available local capacity. This application to build a "Bund" seems to be because of the intention to avoid traditional landfill with the additional costs.

69. The latest available data on inert landfill is contained within the Environment Agency's Waste Interrogator data (2014,) and landfill voidspace data is also available from the Environment Agency upon request.

70. Summerway Landfill Site comprises a historical landfill site along with a regulated construction waste reprocessing activity, generating soil and aggregates for reuse in construction; again with a view to minimising the need for landfill. Voidspace data is, therefore, only an annual "snapshot. In 2014 about 2,150 cubic metres of inert material was landfilled at the Summerway Landfill Site, not 725,850 cubic metres as suggested by the applicant. No waste was landfilled in 2015 as the operator has been constructing a new landfill cell.

71. **Public Health England** has no objections, subject to the imposition of conditions to control noise and air pollution emissions. They also comment that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

72. **Worcestershire Regulatory Services** has no objections, stating that the submitted Noise Assessment indicates that construction of the proposal would not result in increased noise levels west of the M5 Motorway and is, therefore, considered acceptable on noise grounds. With regards to dust emissions, the submitted Dust Assessment adequately covers the issues of nuisance dust, and is therefore, considered acceptable.

73. **South Worcestershire Land Drainage Partnership** has made no comments.

74. **Lead Local Flood Authority** has no objections, stating that they are satisfied in principle with the drainage strategy set out in the submitted Drainage Scheme. The submitted Scheme indicates that surface water would be re-routed to pass through two ponds before entering the current field drains. These ponds would slow the flow of the water entering into the field drainage system, provide attenuation and act as sediment traps. Care needs to be taken to ensure that the drainage ditches that the ponds outfall to are kept in a working order.

75. **Highways England** has no objections, subject to the imposition of conditions regarding access to the Motorway boundary for service and maintenance purposes which shall be maintained at all times; and surface water shall be managed to ensure that no surface water from the site enters the highways drainage system of the M5 Motorway. These conditions are to ensure that the proposal would not have a detrimental impact on the continued safe operation and functionality of the M5 Motorway.

76. **The County Highways Officer** has no objections, subject to the imposition of conditions requiring the unmade sections of the Withy Wells Lane being consolidated and passing places installed; a Construction Method Statement detailing the location of parking for site operatives, the location for the loading, unloading and storage of plant and materials, siting of site offices, wheel washing facilities, and measure to ensure vehicles do not deposit mud on the highway, and details of road signage.

77. The County Highways Officer also notes that before works commence on the development, representatives of the County Highway Authority and the applicant shall carry out a joint road survey / inspection on the roads and access roadway leading to the site and a subsequent survey following the completion of the development, and any necessary remedial works should be completed to a specification to be advised by the County Highway Authority within an agreed timescale, noting that Section 59 of the Highways Act 1980 allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

78. **The County Footpath Officer** has no objections, and is pleased to see that provision has been made to accommodate the existing line of the Public Bridleway SE-534; and notes that the applicant has discussed the proposed Public Rights of Way improvements with them, and they can foresee no issues with this, subject to the applicant continuing to liaise with the County Footpath Officer and the applicant maintains their obligations regarding the Public Rights of Way.

79. **British Horse Society** has made no comments.

80. **The Ramblers Association** has no objections, subject to the imposition of conditions requiring details of the measures to be implemented to protect uses of the Public Rights of Way; and to repair damage and reinstate the Bridleway to its former condition. They comment that the final landform and planting proposal appear to be acceptable; however, they are concerned about the use of Withy Wells Lane as the access to the site. The lane has Bridleway status (Bridleways SE-535 and SE-536). This route is also waymarked as a local cycle route. In addition Footpaths SE-502, SE-505 and SE-527 connect to this Bridleway. The Ramblers Association estimate that in the time it would take to walk this Bridleway, users would be passed by four HGVs.

81. **Open Space Society** has made no comments.

82. **Campaign to Protect Rural England** has made no comments.

83. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of a condition requiring the protection of retained trees and hedgerows. They recommend that Blackthorn is removed from the planting scheme.

84. **The County Ecologist** has no objections, subject to the imposition of conditions requiring the timing of vegetation clearance outside the bird breeding season (March to September, inclusively); protection of retained trees and hedgerows; submission of a Landscape and Ecological Management Plan; and in the unlikely event any protected species are found on the site, all works must cease and the advice of an a suitably qualified Ecologist must be sought. They also recommend that Blackthorn is removed from the planting scheme.

85. **Worcestershire Wildlife Trust** has no objections, subject to the imposition of conditions requiring a Construction Environmental Management Plan to include details regarding protection of the retained ecological features during construction; and an ecological management plan.

86. **Natural England** has no objections, stating that they do not consider there to be any issues with this application in regard to the impacts upon the nearby Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

87. **Hereford and Worcester Fire & Rescue Service** has made no comments.

88. **West Mercia Police** has no objections to the proposal.

89. **Western Power Distribution** has made no comments.

Other Representations

90. The application has been advertised in the press, on site and by neighbour notification letters. To date 1 letter of representation objecting to the proposal has been received from a representative of both Cyclists' Touring Club (CTC), the national cycling charity; and 'Push Bike!', the local cycling campaign group. This letter of representation is available in the Members' Support Unit. Their main comments are summarised below:

91. The site is crossed east-west by a bridleway which forms part of a signed family leisure cycle route. It also forms one of the few safe routes eastwards out of the City and connects with an extensive network of quiet rural lanes. Whilst the application notes the existence of the cycleway, scant regard is given in the application to ensuring the route is maintained in a safe and useable manner. Nor is there any commitment to ensuring the route is re-instated to a reasonable standard with an all year surface after development has been completed. It is strongly recommend that planning permission is refused, unless conditions are imposed which ensures this important cycle route is maintained throughout the construction period and improvements are made to improve the usability of this important part of the county's cycle network. It is further recommended that a developer contribution is made to improving off site linkages and signage of this route.

The Planning Development Control Manager's Comments

92. The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations. The relevant policies and key issues have been set out earlier.

The Waste Hierarchy

93. The Landfill (England & Wales) Regulations 2002 confirms that the term landfill refers to sites for the deposit of waste into or onto land and as such also includes landraising.

94. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

95. Paragraph 3 of the National Planning Policy for Waste states that "*in preparing Local Plans, waste planning authorities should...drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal*".

96. Paragraph 7 of the National Planning Policy for Waste states that applicants should be expected to "*demonstrate that waste disposal facilities not in line with the*

Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy".

97. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013).

98. Waste Management Plan for England (2013) states that *"in England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill). The dividends of applying the waste hierarchy will not just be environmental. We can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal"*.

99. Paragraph 2.75 of the Worcestershire Waste Core Strategy states that *"the evidence base demonstrates that there is no need for new landfill or disposal capacity. The strategy will encourage management of waste at higher levels of the waste hierarchy. Therefore landfill and disposal facilities will not be encouraged at any level of the geographic hierarchy"*. It goes on to state at paragraph 4.21 that *"the Waste Core Strategy, in line with national policy, aims to drive waste up the waste hierarchy, to use it as a resource and to minimise the amount which is landfilled or disposed of. The existing landfill capacity in the county is sufficient for the lifetime of the Strategy. This means that proposals for new landfill or disposal capacity are not encouraged"*. The lifetime of the Worcestershire Waste Core Strategy is up to 2027.

100. Table 3 of the Worcestershire Waste Core Strategy also illustrates that no capacity gap was identified for disposal and landfill, and Table 4 of the Worcestershire Waste Core Strategy shows that no capacity gap is anticipated during the lifetime of the Strategy.

101. Policy WCS 2 of the Worcestershire Waste Core Strategy reiterates this stating at point v) that *"no additional landfill or disposal capacity is required to achieve self-sufficiency; therefore, no delivery milestones have been identified"*. It goes onto states that *"proposals for landfill and disposal capacity are not encouraged and will not be permitted unless they meet the criteria set out in Policy WCS 5"*.

102. Policy WCS 5 of the adopted Worcestershire Waste Core Strategy states that *"no capacity gap has been identified for the landfill or disposal of waste. Planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:*

- i. re-use, recycling, or energy or resource recovery are not practicable for the waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or*
- ii. there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or*

- iii. *the proposal is essential for operational or safety reasons or is the most appropriate option".*

103. The 2014-2015 Annual Monitoring Report (AMR) for Worcestershire shows that in 2014 there was 2,957,850 cubic metres of void space for inert landfill in Worcestershire. Figure 6.6 of the 2014-2015 AMR shows that cumulative landfill is approximately 36% below the projections in the Waste Core Strategy, meaning that Worcestershire is unlikely to experience a capacity gap for this type of waste before the end of the Strategy period (2027). The commentary states that *"the amount landfilled is in line with the projections made in the Waste Core Strategy... The cumulative amount landfilled is approximately 36% below the projections made in the Waste Core Strategy. Environment Agency data indicates that void space has also not declined at the same rate. This is not uncommon as a result of re-assessments of void space by the Environment Agency or the creation of new voids, as mineral workings with planning permission to be restored by landfilling are excavated. This means that there is more inert landfill capacity remaining at this stage in the Waste Core Strategy than was projected. This is not considered to be a problem, but will be kept under review"*.

104. The applicant states that *"on the examination of the available inert landfill sites in the County and the most up to date information on landfill sites from the Environment Agency would indicate a different picture to that in the Council's AMR. The overall level of input to these inert sites is much greater than in the most recent AMR, although the total void space at the sites is similar to that presented in the AMR... The Environment Agency's information indicates some 735,735 cubic metres of inert material received at inert landfills in 2014 and that the remaining void available is 2,993,627 cubic metres... On the basis of the 2014 input rates, that the amounts of inert waste arising would fill available void space in just over 4 years. Between 2019 and the end of the plan period in 2027 there would be an inert landfill capacity gap with available void space exhausted, unless new facilities are approved, and therefore the expectations of the Waste Core Strategy would not be realised. Further inert landfill capacity is justified and this proposal would help fill the identified capacity gap and maintain self-sufficiency in the plan area up to 2027"*.

105. The Planning Development Control Manager has examined the applicant's suggested figures in detail and considers that the applicant has made a typographical error in their calculation of inert infill rates within the County, noting that the applicant suggests that Summerway Landfill Site, near Stourport has received 725,850 cubic metres of infill material. However, it appears that this figure is actually the void space remaining rather than the inert infill figures. The Environment Agency has confirmed that the Summerway Landfill Site received approximately 2,150 cubic metres in 2014, not 725,850 cubic metres as suggested by the applicant, and no wastes were landfilled in 2015 as the operator has been creating a new landfill cell. The Environment Agency also confirmed that the latest publicly available data is that of the Environment Agency's Waste Interrogator data (2014). This is the data that underpins the County Council's AMR. The County Council's Planning Monitoring and Enforcement Officer subsequently visited the site and confirmed that very limited inert materials have been landfilled over the past 2 years and the operator suggested about 2,000 cubic metres of inert material had been landfilled, which is in accordance with the Environment Agency's comments.

106. In view of this, it is considered that there is adequate provision of inert landfill capacity within the County, as demonstrated by the AMR. Furthermore, the purpose of the AMR is to review and monitor the policies of the Worcestershire Waste Core Strategy this includes inert landfill capacity. The Waste Core Strategy includes appropriate trigger levels should the inert landfill capacity within Worcestershire not meet its projections.

107. With reference to parts i) and ii) of Policy WCS 5, the Planning Development Control Manager considers that inert waste soils, such as this, can be recovered for use in construction projects, where there is a beneficial purpose or could be disposed of to licenced landfill sites. The AMR demonstrates that the assumptions within the adopted Waste Core Strategy are correct, and therefore, there is adequate inert landfill capacity within the County. Consequently, it is considered that parts i) and ii) of Policy WCS 5 do not apply to the proposal and therefore, for the proposal to conform with this Waste Core Strategy Policy the applicant must demonstrate that the proposal is essential for operational or safety reasons or is the most appropriate option.

108. The supporting text to Policy WCS 5 states that *"excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. In some cases, this type of waste can usefully be re-used for purposes such as flood management schemes, landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, to prevent inappropriate development, these kinds of proposals will be considered against Policy WCS 5: Landfill and disposal. The decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice"*. This is contained within the document: RGN13: Defining waste recovery: permanent deposit of waste on land.

109. Appendix 1 of RGN13 gives examples of when the Environment Agency considers a particular activity could be considered a recovery operation rather than disposal operation. Appendix 1 states that *"bunds can be created for a number of purposes. Evidence must be presented that shows the bund is needed. This would include setting out the benefits that would be derived when the work is complete, and justifying that there was a genuine need for the bund...if a very large bund is proposed, but the benefits derived from installing it are marginal, this would point more towards a disposal operation"*.

110. In view of this, it is considered that the proposed construction of an earth bund would require a substantial amount of inert material, requiring approximately 150,000 tonnes of soils. This would result in a bund feature measuring some 920 metres long by a maximum of about 180 metres wide by a maximum of 4.5 metres high. Therefore, a clear benefit must be demonstrated for the bund to be considered a recovery operation.

111. The applicant states that *"the development proposal does not solely amount to waste landfilling. It contains features of a recovery operation and on the basis of the recent legal cases it could be considered a recovery operation. The application seeks to treat the inert material as a positive resource serving a number of useful purposes consistent with the Waste Core Strategy and can, therefore, fall within the definition of 'other recovery'. Should the County Planning Authority not share the view that the development amounts to a recovery operation it is considered that the*

proposals amount to the most appropriate option and can be considered consistent with Policy WCS 5. This is because the application seeks to accommodate the waste at the closest location, minimising transportation distances, associated disturbance to communities and potential inconvenience to other road users. Significant carbon dioxide emissions from the transport of waste would be avoided.

112. *The development would help deliver an important economic development with significant employment opportunities and overall benefits to the local community and sub-regional economy. It is noted that the Worcester 6 is the County Council's top priority to ensure Worcestershire is 'Open for Business' and a key part of the drive to ensure that business in the county thrives, enhancing economic resilience".*

113. *The applicant also states that "the principles of sustainable waste management require waste to be dealt with as close to its source as possible. Further, waste authorities are required to aim towards self-sufficiency in dealing with as much of its own waste as possible without relying on neighbouring authorities. The exportation of the waste soils to a neighbouring county would therefore go against this 'proximity principle'. The application is located within close proximity to the sources of the waste soils and provides an opportunity to dispose of the waste soil within Worcestershire. This will limit the distance lorries need to travel.*

114. It is noted that the applicant refers to the 'proximity principle'; Members are advised that the terms 'proximity principle' is no longer used in national policy and notes the comments of the County Minerals and Waste Management Planning Policy Officer who comments that the "*Worcestershire's Waste Core Strategy seeks to achieve "equivalent self-sufficiency", meaning that provision is made in the Waste Core Strategy to manage a volume of waste equivalent to the county's arisings, but not necessarily precluding cross-boundary movements where that is the most appropriate option".* It is further noted that the submitted Design and Access Statement states that "*the purpose of the bund is to receive waste soils arising from the two nearby construction sites"...* and the "*bund is essentially a waste operation".* These statements appear to contradict the applicant's assertions that the proposal may be considered a recovery operation.

115. Nonetheless, this report shall now examine the merits of the proposal in terms of residential amenity, landscape character and visual impact, traffic and highway safety, water environment, ecology and biodiversity, and economic impact to ascertain whether "*the proposal is essential for operational or safety reasons or is the most appropriate option" to comply with Policy WCS 5 of the adopted Waste Core Strategy, however, it is noted that the Environment Agency consider the proposal is "a simple landfill disposal activity".*

Landscape character and appearance of the local area

116. The application was accompanied by a Landscape and Visual Impact Appraisal, which concludes that "*the site can accommodate the proposed development without harm to the wider landscape, and in a manner consistent with existing landscape pattern and character evident in the surroundings".* It notes that there would be a temporary short-term impacts on the landscape and visual character of the site while the works are being undertaken, due to the increased vehicle movements and the presence of construction vehicles and bare soil on the site, but considers that in the longer term, these impacts would reduce as the

proposed woodland planting matures, integrating the proposal into the surrounding landscape.

117. The Planning Development Control Manager considers that the application site is fairly well contained and screened from Nunnery Way (A4440), Pershore Lane (A4538), A44 and the north-eastern section of the B4636 by a combination of topography and existing established vegetation. It is considered that views of the central part of the proposal would be screened from views along the M5 Motorway, as the Motorway is within a cutting at this location. Views further south along the M5 Motorway would also be well screened due to the existing dense vegetation along the western application site boundary. The most visible and, therefore, sensitive part of the application site is the north-west corner of the bund, where the site is at its lowest point and highly visible from the M5 Motorway and the B4636 on the bridge over the M5 Motorway. This section of the proposal would contain some of the highest areas of the proposed bund, measuring approximately 4.5 metres high, consequently, the District Landscape Officer considers that the new landform would appear 'engineered' within this section of the site, despite the applicant amending the proposals from a 1 in 3 slope to a 1 in 4 slope at this location. The District Landscape Officer notes the proposal would be highly visible from the Bridleways which cross the site, but considers that the proposed planting would serve to further screen the M5 Motorway from the Bridleways. The proposed planting would tie in with other woodland blocks in the landscape and would help to visibly connect them.

118. In terms of landscape character, the site falls within the Landscape Type Principal Timbered Farmlands as identified in the County Landscape Character Assessment. Primary identified Key Characteristics include 'ancient wooded character' and Landscape Guidelines for the Landscape Type include 'encourage the planting of new woodlands, reflecting the scale, shape and composition of the existing ancient woodland character, favouring oak as the major species' and 'seek opportunities to enhance tree cover along highways'. Therefore, the proposal for woodland planting would not be at odds with the identified landscape character in principle.

119. With regard to landscape character the District Landscape Officer considers that the proposal for woodland planting would not be at odds with the identified landscape character in principle, and is satisfied with the planting scheme proposed, noting that pine trees have been considerably reduced and the blocks of planting are now more 'organic' in shape. Overall, the District Landscape Officer raises no objections; subject to appropriate conditions.

120. The County Landscape Officer has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring the protection of retained trees and hedgerows and a revised planting schedule removing reference to Blackthorn. With regards to impacts upon the Grade II* Historic Park and Garden of Spetchley Park, the Garden History Society and Hereford and Worcester Garden Trust were consulted and have both made no comments. Historic England has also been consulted and has raised no objections, recommending that the specialist advice of the District Council Conservation Officer is sought. The District Conservation Officer has no objections, noting that this application is within the Spetchley Estate, but does not affect the registered boundary of the Historic Park and Garden.

121. In view of the above matters, the Planning Development Control Manager considers that subject to the imposition of appropriate conditions regarding the revised planting schedule, phasing of planting and the protection of retained trees and replacements should the planting die, the proposal would not have an adverse or detrimental impact upon the character and appearance of the local area. The Planning Development Control Manager is, however, not satisfied that there would be a clear benefit for the construction of an alien feature by the formation of an earth bund at this location in terms of visual screening, and considers that overall the proposal in terms of landscape character and visual impact would have a neutral impact, subject to the imposition of the conditions recommended by the District and County Landscape Officers.

Residential Amenities (noise and dust impacts)

122. The nearest residential properties are those of Cornmill Barn located about 170 metres south of the proposed development along the U47646, accessed via the A44. Further residential properties are located along U52044, also located off the A44, sited about 175 metres south-west of the proposal. The nearest properties to the east are those of Cudleigh Court Farm, located about 320 metres away. Further dwellings are sited along Dunmow Avenue, Fowler Avenue, Howlett Place and Towneley located approximately 250 metres to the west of the proposal.

123. A Noise Overview Assessment and Dust Assessment accompanied the planning application. The Noise Overview Assessment concludes that *"whilst some acoustic screening of short segments of the M5 Motorway to specific receptors points would occur, there would be little or no additional screening from the majority of the section of the M5 Motorway from which noise currently contributes to the local noise environment at individual noise-sensitive locations. Accordingly, the overall reduction in noise would be very slight and it is unlikely the reduction would be perceptible."*

124. *In terms of any potential adverse effects resulting from reflections of the M5 Motorway traffic noise from the bund back towards the opposite (west) side of the Motorway, a zero, or virtually zero impact is anticipated in this regard...In view of the above, it is concluded that there would be no appreciable acoustic effects resulting from the proposed bund"*.

125. The Dust Assessment concludes that *"through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated resulting in the impact at surrounding receptors to be not significant. Due to the low additional number of HGV trips during the construction phase of the development, there is predicted to be a neutral impact on air quality from road vehicle exhaust emissions. As such, it is considered that air quality does not represent a material constraint to the development proposals"*. The Dust Assessment identifies a number of mitigation measures which include: developing and implementing a Dust Management Plan; sheeting of all loaded lorries; switching off vehicle engines when stationary; and minimising drop heights from loading shovels.

126. Paragraph 122 of the NPPF states that *"local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning*

authorities should assume that these regimes will operate effectively". Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that "there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body".

127. The Planning Development Control Manager notes that the proposal would likely require an Environmental Permit from the Environment Agency, which would control emissions. The Environment Agency has been consulted and has made no adverse comments. Worcestershire Regulatory Services has raised no objections to the proposal. With regard to impacts to human health, Public Health England has raised no objections, subject to the imposition of conditions to control noise and air pollution emissions. They state that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

128. In view of the above matters, the Planning Development Control Manager considers that, subject to the imposition of appropriate conditions, there would be no adverse air pollution, noise or dust impacts on residential amenity or that of human health. The Planning Development Control Manager is, however, not satisfied that there would be a clear benefit for the construction of an earth bund at this location in terms of noise attenuation, given that the Noise Overview Assessment concludes that noise reduction would be "very slight and is unlikely the noise reduction would be perceptible".

The Water Environment

129. The proposed development is located within Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. However, as the application site exceeds 1 hectare it is accompanied by a Flood Risk Assessment.

130. The Flood Risk Assessment (incorporating a hydrology and drainage scheme) concludes that "*the proposed bund would potentially occupy a piece of land that currently drains towards the M5 Motorway and is dependent on its drainage on the infrastructure of the Motorway. The proposed drainage plan aims to use the new land levels of the bund to drain the bund and land local to the M5 Motorway away from the Motorway drains and thereby reduce the flows to these drains. The outflows from the ponds would drain into existing large farm ditches and away from urban areas. In addition, two sedimentation ponds are proposed during the construction phase of the bunds. These ponds would allow a degree of attenuation of flows, but critically act as sediment traps during the construction phase. Once the bunds planting has matured and the bunds soil structure is formed, these ponds would be redundant as the runoff from the bunds would be less under woodland than the current arable land. The proposed drainage scheme would reduce the runoff volumes to the M5 Motorway culverts, but would divert large portion of the*

catchment drainage eastwards. This scheme offers significant protection to the M5 Motorway infrastructure".

131. The Lead Local Flood Authority has been consulted and has raised no objections, stating that they are satisfied with the principles of the drainage strategy. In view of this, the Planning Development Control Manager considers that there would be no adverse effects on the water environment and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy. It is noted that overall the proposal would provide minor drainage benefits in terms of reducing the reliance of the site on the existing M5 Motorway drainage infrastructure. However, should drainage and resilience of the M5 Motorway drainage infrastructure be a principal concern then it is considered that other solutions could be considered that do not involve the importation of approximately 150,000 tonnes of soil arisings. Furthermore, in support of this assumption, it is noted that the submitted Flood Risk Assessment notes that the bund without the proposed drainage scheme would overall increase the rate of run-off into the M5 culvert, therefore, suggesting that the proposed bund in itself is not a drainage solution and that the bund requires a separate drainage scheme to ensure it would not have an adverse impact on the water environment.

Ecology and biodiversity

132. There are a number of international, national and regional designated wildlife sites within the surrounding landscape. Most notably Lyppard Grange Ponds SSSI and SAC, which is located approximately 830 metres north-west of the development site. A number of LWSs are located within 1 kilometre of the proposed development, including Hornhill Meadows LWS and Nunnery Wood LWS, which are sited about 320 metres and 730 metres west of the site, respectively. Spetchley Deer Park & Plantation Meadows LWS is also located approximately 740 metres south-east of the proposed development.

133. The application was accompanied by an Ecological Assessment, the Assessment considered that *"whilst a moderate diversity of species is currently present towards the north and south of the site the habitat present is not considered to be of particular botanical interest and falls short of the criteria for features of significant ecological value. Nonetheless, the habitats present still provide opportunities for a range of local wildlife"*.

134. It recommends that vegetation clearance should take place outside the bird breeding season (March to August, inclusive); and precautionary measures for Great Crested Newts, notably *"care should be taken to ensure no wet area are created during the works which might attract newts. Also arable habitats should not be allowed to fall out of management prior to workings commencing such that additional sheltering opportunities are created"*.

135. The Assessment concludes that *"no impacts to any protected wildlife sites and no significant impacts to valuable habitats are identified. The landscape proposals would create habitat enhancements in the medium-term with the provision of grassland and woodland planting of greater ecological value than the existing arable fields"*. The Assessment recommends that a Landscape and Ecology Management Plan is imposed as a condition of any planning permission to ensure the goals for biodiversity, landscape and recreation are achieved in the long-term.

136. Natural England and Worcestershire Wildlife Trust have been consulted due to the proximity of the proposal to the Lyppard Grange Ponds SSSI and SAC, and LWS's, respectively. Natural England has raised no objections to the proposal, and considers the proposal would not impact on the nearby SSSI and SAC. Worcestershire Wildlife Trust has no objections, subject to the imposition of a condition requiring a CEMP. The County Ecologist has no objections, subject to the imposition of appropriate conditions.

137. The Planning Development Control Manager considers that subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area; and considers that the proposal would provide minor ecological benefits.

Traffic, highway safety and impact upon the Public Rights of Way

138. The development site would be accessed via the existing private road/agricultural access of Withy Wells Lane that joins the priority junction with Pershore Lane (A4538). This junction forms parts of a crossroads with Bredicot Lane. The national speed limit of 60 mph applies to Pershore Lane at this location. A visibility splay of 215 metres for the speed limit on the road can be achieved at 2.4 metres and 4.5 metres set back. The access would be sufficient to allow 2 tipper trucks to pass at the entrance.

139. Construction vehicles would consist of 18 tonne rigid 'tipper' trucks. In addition, at the beginning and end of the project, a small number of low-loaders (measuring about 15 metres long and 80 tonne capacity) would be used to deliver construction vehicles. These would be scheduled deliveries so their access and egress can be managed to mitigate their impact. During the construction period, personnel would use car and vans to access the site on a daily basis.

140. The proposed bund would accommodate up to a maximum of 150,000 tonnes of waste soils, based on the site being operational 6 days per week, and an average load of 18 tonnes per vehicle, the applicant estimates that the proposal would generate a total of approximately 16,666 vehicle movements (about 8,333 vehicles entering the site and 8,333 vehicles exiting the site). The speed at which the soils could be excavated is estimated to be between 6 and 15 loads an hour (about 12 to 30 HGV movements per hour). This equates to approximately 96 HGV movements per day to 240 HGV movements per day. The construction period for the bund is anticipated to last for approximately 4 years. The applicant has confirmed that this relates in particular to the period of time, over which the Worcester 6 site would be constructed, with additional time required after the last deposit for replacing topsoil and replanting.

141. It is noted that in the Transport Assessment the applicant states that "*in 2014, Pershore Lane (A4538) had an annual average daily flow of approximately 10,400 vehicles of which 7% (about 728) were HGV's*". Therefore, based on these figures, the proposal would result in approximately 13.2% to 33% rise per day in HGV traffic along Pershore Lane (A4538) for a temporary period of time. However, it is noted that if the waste soils were not be deposited at the proposed site, these vehicles would still be on the road network, as this material would have to be recovered/disposed of elsewhere, unless the Worcester 6 and retail park developers were to re-use the material on site.

142. The applicant states that construction lorries would have to travel about 2.6 kilometres (retail park development) and 1 kilometre (Worcester 6 site) to the application site. The applicant state that internal movement within the construction site would use existing tracks within the Spetchley Estate, with potential for temporary construction routes and passing points to be installed.

143. The route for construction traffic from the retail park site to the proposed development would follow the B4636 in a north-east direction, turning right at the roundabout onto Pershore Lane (A4538), travelling in a southern direction and turning right into Withy Lane. The route for construction traffic from the Worcester 6 site to the proposal would follow Pershore Lane (A4538) to the north of the application site. Construction vehicles would turn right out of the Worcester 6 site, travelling southwards along Pershore Lane (A4538) and turn right into Withy Lane.

144. Tibberton Parish Council comments that they are concerned about the traffic disruption and associated highways issues on an extremely busy thoroughfare, especially at commuter times, and request that consideration is given to scheduling heavy construction vehicle movements outside the peak commute time periods; and request regular road cleaning.

145. With regard to Tibberton Parish Council's comments, it is noted that the application states that there would be breaks in construction works/deliveries during peak hours and that there would be a wheel wash facility on site and a road sweeper would be used as necessary.

146. Highways England has been consulted due to the proximity of the M5 Motorway and has raised no objections subject to the imposition of appropriate conditions. The County Highways Officer has raised no objections, subject to conditions relating to the unmade sections of the Withy Wells Lane being consolidated and passing places installed; a Construction Method Statement detailing the location of parking for site operatives, the location for the loading, unloading and storage of plant and materials, siting of site offices, wheel washing facilitates, and measure to ensure vehicles do not deposit mud on the highway, and details of road signage. The County Highway Officer also notes that Section 59 of the Highways Act 1980 allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

147. A number of Public Rights of Way are located in the vicinity of the application site, notably Bridleways SE-534, SE-535, SE-536 and SE-537 which run along Withy Wells Lane. This route is also forms part of a local cycle network.

148. One letter of representation objecting to the proposal has been received stating that whilst the applicant notes the existence of the cycleway, scant regard is given in the application to ensuring this route is maintained in a safe and useable manner. Nor is there any commitment to ensuring the route is re-instated to a reasonable standard with an all year surface after development has been completed. It is strongly recommend that planning permission is refused, unless conditions are imposed which ensures this important cycle route is maintained throughout the construction period and improvements are made to improve the usability of this important part of the county's cycle network. It is further recommended that a developer contribution is made to improving off site linkages and signage of this route.

149. To minimise the impact of construction traffic on the Public Rights of Way, the applicant has set out a number of principles within the Transport Assessment, this includes the following:

- *"Internal movement within the construction site would use existing tracks within the Spetchley Estate, with potential for temporary construction routes and passing points to be installed. Although these are Public Rights of Way, any impacts on the users of these routes could be mitigated through site management.*
- *Temporary diversion of pedestrian / cycle routes and Public Rights of Way to be signposted accordingly, if necessary.*
- *Signs should be placed along pedestrian/cycle routes and Public Rights of Way to warn of frequent construction traffic.*
- *Drivers and staff would be educated and forewarned about the potential for other users to be on the lane.*
- *Provide induction training for drivers, workers and visitors and send instructions out to visitors before their visit.*
- *Vehicle speed would be limited to 10mph on the lane, and also on site.*
- *The appointed contractor would carry out a highway conditions survey along both construction traffic routes prior to the commencement of construction work. Following the completion of the construction work a further highway conditions survey would be carried out to ensure that any defects are reasonably attributed to the construction work".*

150. Given the scale, nature and type of the proposal, it is not considered that a developer contribution would be necessary in this instance, as once the bund was constructed; it is considered it would have no impact whatsoever on the cycle network. In view of this, it is considered that such a planning obligation would not pass the tests set out at paragraphs 203 and 204 of the NPPF, namely:-

151. *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

152. *Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development".*

153. It is also noted that on completion of the HGV movements along the Withy Wells Lane the applicant is now proposing that this Lane would be reconstructed and resurfaced to ensure its suitability to public users, in particular cyclists, given that it forms a local cycle route and Bridleways.

154. The County Footpath Officer, British Horse Society and Open Space Society have been consulted but made no comments. The Ramblers Association has raised no objections, subject to the imposition of conditions requiring details of the

measures to be implemented to protect uses of the Public Rights of Way; and to repair damage and reinstate the Bridleway to its former condition.

155. The Planning Development Control Manager is satisfied that subject to the imposition of appropriate conditions, the proposal would not have an unacceptable impact upon Public Rights of Way, and notes that the proposal would result in betterment to the local cycle and Public Right of Way network, as the applicant is proposing that the Withy Wells Lane would be reconstructed and resurfaced to ensure its suitability to public users, in particular cyclists.

156. Based on the advice of Highways England and the County Highways Officer, it is considered that subject to the imposition of appropriate conditions, the proposal would have an acceptable impact upon traffic and highway safety; and would not adversely impact upon the integrity of the adjacent M5 Motorway.

Economic Impact

157. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

158. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"*.

159. The proposed development would facilitate the construction of the Worcester 6 site (Worcester Technology Park), which is listed as a key project within the Worcestershire LEP Business Plan and identified as a 'Game Changer' site within the Worcestershire SEP. 'Game Changer' sites are those with a significant sustainable economic impact of regional significance, which occupy strategic locations within their markets and provide major opportunities to lever market-led investment and deliver growth and jobs. The Worcester 6 site is also allocated within the adopted South Worcestershire Development Plan (Policy SWDP 45 / 6). The supporting text to Policy SWDP45/6 states that *"although provision has been made for local employment opportunities within the city and the urban extensions, there is evidence to support a 70ha (gross) sub-regional employment site providing opportunities for existing manufacturing companies in the area to consolidate and expand by relocating to this site. The land is located immediately south-east of Junction 6 of the M5, a key gateway to the city. It lies within Wychavon District, but as the site abuts the city boundary it will provide serviced employment land to meet the growth of Worcester"*.

160. In view of the above matters, it is considered that the proposal would help to facilitate the construction of the Worcester 6 site, which would provide significant economic benefits as well as facilitating the construction of the retail park should this be granted planning permission. Furthermore, the proposal would limit the distance HGV's have to travel on the public highway to dispose of the waste soils to an

appropriate licenced facility or recovered for beneficial purposes in other projects, which is considered to be the principal benefit of the proposal.

Conclusion

161. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The reason why the Development Plan is at the heart of the planning system is because it is the forum where the need for new development is identified, and also where it would be inappropriate. The plan would have been through public consultation, and would have been subject of independent examination.

162. The key development plan policy to be considered in the determination of this planning application is that of Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Policy WCS 5 of states that *"no capacity gap has been identified for the landfill or disposal of waste"*.

163. The applicant states that *"on the examination of the available inert landfill sites in the County and the most up to date information on landfill sites from the Environment Agency has indicated, on the basis of the 2014 input rates, that the amounts of inert waste arising would fill available void space in just over 4 years. Between 2019 and the end of the plan period in 2027 there would be an inert landfill capacity gap with available void space exhausted, unless new facilities are approved, and therefore the expectations of the Waste Core Strategy would not be realised. Further inert landfill capacity is justified and this proposal would help fill the identified capacity gap and maintain self-sufficiency in the plan area up to 2027"*.

164. In response to the applicant's comments that there is a capacity gap in Worcestershire for inert landfill, the Planning Development Control Manager examined the applicant's suggested figures in detail and considers that it appears the applicant has made a typographical error in their calculation of inert infill rates within the County, noting that the applicant suggests that Summerway Landfill Site, near Stourport has received 725,850 cubic metres of infill material. However, it appears that this figure is actually the void space remaining rather than the inert infill figures. The Environment Agency has confirmed that the Summerway Landfill Site received approximately 2,150 cubic metres in 2014, not 725,850 cubic metres as suggested by the applicant, and no wastes were landfilled in 2015 as the operator has been creating a new landfill cell. The Environment Agency also confirmed that the latest publicly available data is that of the Environment Agency's Waste Interrogator data (2014). This is the data that underpins the County Council's AMR. The County Council's Planning Monitoring and Enforcement Officer subsequently visited the site and confirmed that very limited inert materials have been landfilled over the past 2 years and the operator suggested about 2,000 cubic metres of inert material had been landfilled, which is in accordance with the Environment Agency's comments.

165. The supporting text to Policy WCS 5 states that *"the decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice"*. This is contained within the document: RGN13: Defining waste recovery: permanent deposit of waste on land. Appendix 1 of RGN13 gives examples of when the Environment Agency considers a particular activity could be considered a

recovery operation rather than disposal operation. Appendix 1 states that "*bunds can be created for a number of purposes. Evidence must be presented that shows the bund is needed. This would include setting out the benefits that would be derived when the work is complete, and justifying that there was a genuine need for the bund...if a very large bund is proposed, but the benefits derived from installing it are marginal, this would point more towards a disposal operation*".

166. Therefore, for the proposal to be considered a recovery operation rather than a waste disposal operation, the applicant has to demonstrate a clear benefit to the deposit of waste soils in this location.

167. It is noted that the application was accompanied by a Noise Overview Assessment, which concluded that "*whilst some acoustic screening of short segments of the M5 Motorway to specific receptors points would occur, there would be little or no additional screening from the majority of the section of the M5 Motorway from which noise currently contributes to the local noise environment at individual noise-sensitive locations. Accordingly, the overall reduction in noise would be very slight and it is unlikely the reduction would be perceptible*". Therefore, the Planning Development Control Manager considers that the proposal would provide negligible noise attenuation benefits.

168. The submitted Landscape and Visual Appraisal concludes that "*there would be temporary short-term adverse impacts on the landscape and visual character of the site while the works are being undertaken, due to the increased vehicle movements and the presence of construction vehicles and bare soil on the site. However, in the medium to longer-term the proposal could be accommodated without harm to the wider landscape, and in a manner consistent with existing landscape pattern and character evident in the surroundings*". Therefore, the Planning Development Control Manager considers that the proposal would provide a neutral impact upon the landscape, subject to the imposition of appropriate conditions.

169. The submitted Ecology Assessment concludes that "*the landscape proposals will create habitat enhancements in the medium-term with the provision of grassland and woodland planting of greater ecological value than the existing arable fields*". Therefore, the Planning Development Control Manager considers that the proposal would provide minor ecology and biodiversity benefits.

170. Furthermore, it is noted that the applicant states that the proposal "*provides an opportunity to dispose of the waste soil within Worcestershire*" and the Planning Development Control Manager is not convinced that the development would likely proceed should this waste material not be available, particularly as the applicant only proposes to construct part of the bund if the Retail Park development is not granted planning permission. This, therefore, suggests that the bund is only required for a means of disposal of waste material. In view of above matters, the proposal is considered a disposal operation. Policy WCS 5 goes on to state that "*planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:*

- i. re-use, recycling, or energy or resource recovery are not practicable for the waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or*

- ii. *there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or*
- iii. *the proposal is essential for operational or safety reasons or is the most appropriate option".*

171. It is considered that parts i) and ii) of Policy WCS 5 do not apply to the proposal and therefore, for the proposal to conform with this Waste Core Strategy Policy the applicant must demonstrate that the proposal is essential for operational or safety reasons or is the most appropriate option.

172. As indicated earlier, it is considered that there would be no clear noise attenuation benefits from the construction of the earth bund in this location; it is considered the proposal would have a neutral impact upon the landscape, subject to the imposition of appropriate conditions; and only minor benefits in terms of ecology and biodiversity are anticipated. It is considered that the proposal overall would provide minor drainage benefits in terms of reducing the reliance of the existing site on the M5 Motorway drainage infrastructure, thereby enhancing the resilience of the Strategic Road Network. It is also considered that the proposal would help to facilitate the development of the Worcester 6 site, which is identified as a key project in the Worcestershire LEP Business Plan; as an 'Economic Game Changer site' in the Strategic Economic Plan (SEP); and is allocated within the South Worcestershire Development Plan (Policy SWDP 45 / 6). It is noted that the NPPF affords significant weight to be placed on the need to support economic growth through the planning system.

173. Furthermore, the proposal would limit the distance HGV's have to travel on the public highway to dispose of the waste soils to an appropriate licenced facility or recovered for beneficial purposes in other projects. Notwithstanding this, the Planning Development Control Manager is not satisfied that the limited benefits of this proposal when taken individually or as a whole demonstrates that "*the proposal is essential for operational or safety reasons or is the most appropriate option*", as set out in part iii) of Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Therefore, it is considered that there would not be a clear benefit for the construction of an earth bund in this location that would override Policy WCS 5 of the adopted Waste Core Strategy and the key principle of the waste hierarchy.

174. In addition, the Environment Agency states that this "*application appears to be seeking a convenient disposal point for inert construction waste from projects in the locality. This makes it a simple landfill disposal activity. There appears to be no other justification proposed. This puts the proposed use at the bottom of the Waste Hierarchy as the least preferred option. Waste management options arising from the Retail Park and Worcester 6 site could have better been evaluated as part of thinking over those proposals rather than requiring a separate proposal for landfill disposal*"... This application to build a "Bund" seems to be because of the intention to avoid traditional landfill with the additional cost". It is also noted that the County Minerals and Waste Management Planning Policy Officer objects to the proposal as it is considered contrary to the vision, objectives and policy of the adopted Worcestershire Waste Core Strategy.

175. Whilst the applicant considers that the "*proposals are specifically related to an identified local need and are not designed to serve any general inert landfill demand, and therefore, would not set a precedent*" and it is acknowledged that the NPPF

reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise; and each application must also be considered on its own merits. The Planning Development Control Manager considers that should this application be granted planning permission, it would set an undesirable precedent which would encourage further landfill / landraising applications to dispose of construction waste in the countryside potentially creating alien landforms without any clear benefits, undermining Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. As the benefits of this proposal, principally being adjacent to the construction site would apply to most if not all major development sites in Worcestershire that are close to greenfield sites. Furthermore, the County Minerals and Waste Management Planning Policy Officer considers that appropriate disposal of waste must be considered to be an essential component of the design and business case for any and particularly significant developments. No overriding factors have been demonstrated in this case, and it is considered that the waste arising from the Worcester 6 site and Retail Park development (should it be granted planning permission) should be appropriately disposed of or recovered for a beneficial purpose, as would be expected of all developments in the county.

176. On balance, it is considered that granting the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire, would be contrary to Policy WCS 5 of the adopted Worcestershire Waste Core Strategy, as the proposal would be a waste disposal operation, with no clear benefits that outweigh the harm of not driving waste up the waste hierarchy.

Recommendation

177. The Planning Development Control Manager recommends that planning permission be refused for the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire for the following reason:

The proposal is considered to be a waste disposal operation that would not drive waste up the waste hierarchy, contrary to Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

Contact Points

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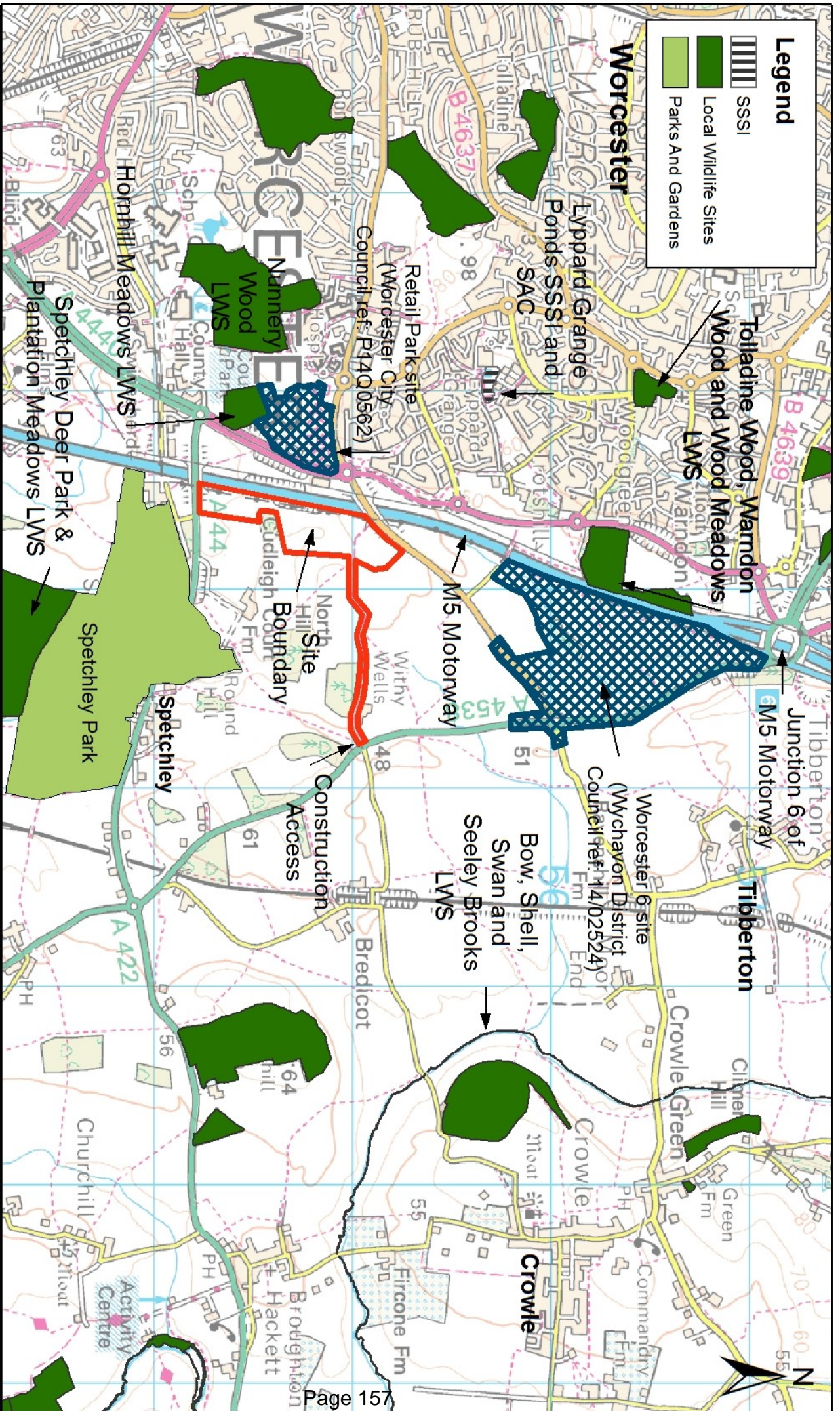
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Background Papers

In the opinion of the proper officer (in this case the Planning Development Control Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 15/000040/CM.



Legend

- SSSI
- Local Wildlife Sites
- Parks And Gardens

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Proposed formation of an earth bund on land to south of B4636 and east of M5 Motorway. Spetchley, Worcestershire.
 Ref: 15/000040/CM

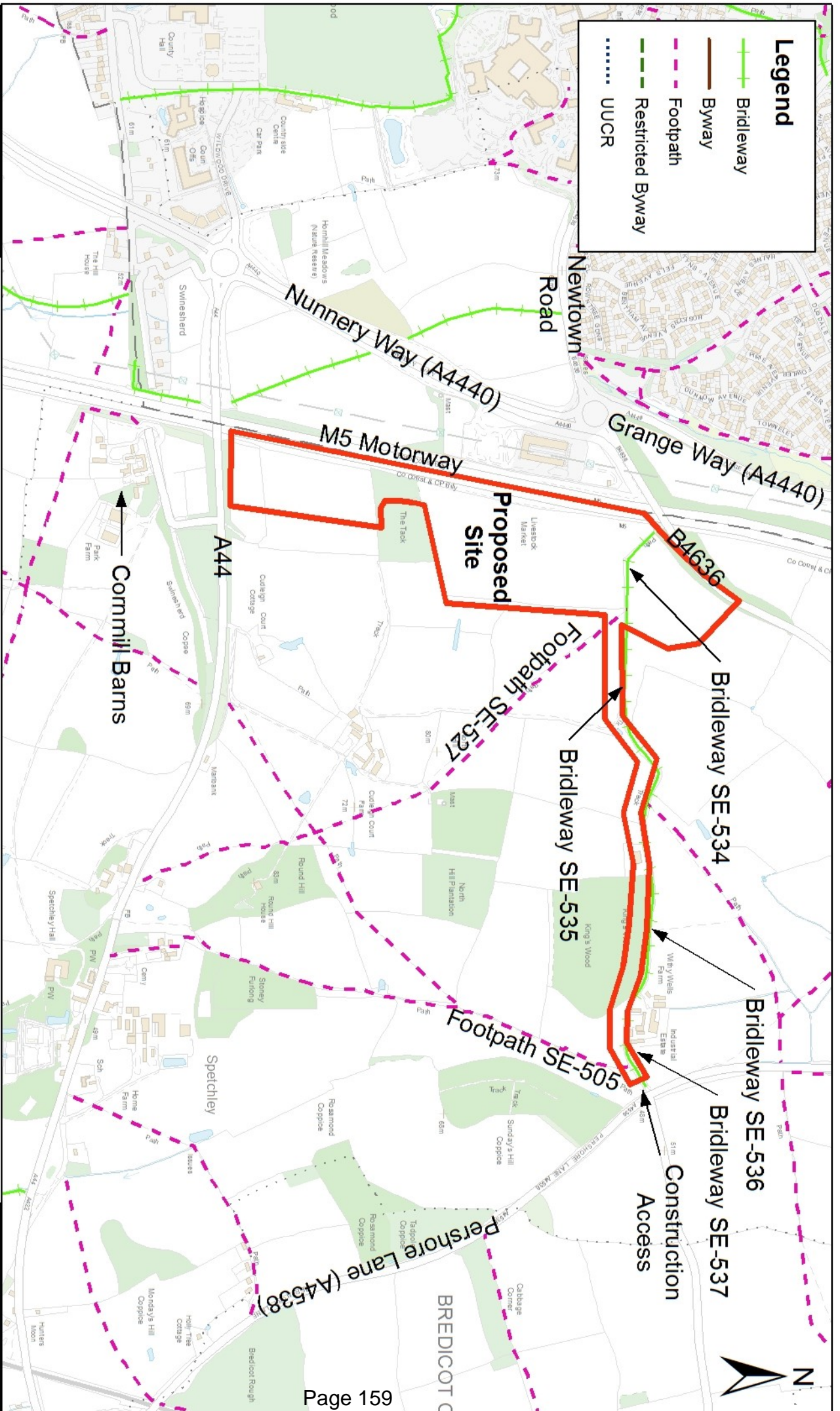
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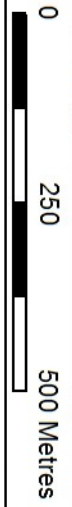
Legend

-  Bridleway
-  Byway
-  Footpath
-  Restricted Byway
-  UUCR



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